S. Hrg. 99-301

SOVIET TREATY VIOLATIONS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

FEBRUARY 20, MAY 7, 1985

Printed for the use of the Committee on Armed Services

52-598 O

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1985

S201-4

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SOVIET TREATY VIOLATIONS

WEDNESDAY, FEBRUARY 20, 1985

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met in executive session, pursuant to notice, at 9 a.m., in room SR-222, Russell Senate Office Building, Senator Barry Goldwater (chairman) presiding.

Present: Senators Goldwater, Thurmond, Warner, Wilson, Denton, Gramm, Nunn, Hart, Kennedy, Bingaman, and Glenn.

Also present: Senators McClure and Nickles.

Staff present: James F. McGovern, staff director and chief counsel; Arnold L. Punaro, staff director for the minority; Jeffery H. Smith, minority counsel; Christine C. Dauth, chief clerk, Robert F. Bott, Douglas R. Graham, Drew A. Harker, William E. Hoehn, Jr., George K. Johnson, Jr., and Carl M. Smith, professional staff members; Russell Miller, research assistant and Karen A. Love, staff assistant.

Also present: Gerald J. Smith, assistant to Senator Goldwater.

OPENING STATEMENT BY SENATOR BARRY GOLDWATER, CHAIRMAN

Chairman GOLDWATER. The meeting will come to order.

Gentleman, we are very happy to have you with us this morning.

To save time, I will insert my opening statement in the record. I want to remind you that we have a joint session this morning at 11 a.m., with Mrs. Thatcher of Great Britain. So, the more you can speed it up, the better.

We would like to open the second hour up to the public if that is possible.

[The prepared statement of Chairman Goldwater follows:]

PREPARED STATEMENT OF SENATOR BARRY GOLDWATER

This morning we convene in executive session to receive testimony on Soviet noncompliance with arms control agreements. We welcome as our witnesses today the Honorable Kenneth L. Adelman, the Director of the Arms Control and Disarmament Agency, Lt. Gen. John T. Chain, Jr., USAF, the Director of the Bureau of Politico-Military Affairs in the Department of State and the Honorable Richard N. Perle, the Assistant Secretary of Defense for International Security Policy. These gentlemen are accompanied this morning by experts from the intelligence community who will also participate in the hearing.

Soviet noncompliance with arms control agreements has been a matter of considerable congressional interest and concern. Last year, at the request of the Congress, the administration forwarded two reports on this issue. In its first report, forwarded to the Congress in January 1984, the administration raised seven compliance issues.

It is my understanding that thus far, the Soviet Union has not provided satisfactory explanations nor undertaken corrective actions with regard to any of these issues.

In response to reporting reqiurements in the fiscal year 1985 Defense Authorization Act, the administration has this year forwarded both a classified and an unclassified report on Soviet treaty violations. These reports confirm, and in some cases strengthen the issues raised last year. In addition, a total of twelve more issues are identified that involve violations or potential violations of the SALT I Interim Agreement, the SALT II Treaty, and the Anti-Ballistic Missile Treaty. The classified report, in particular, provides substantive evidence regarding these issues and we look to today's hearing to make this evidence a part of the record.

The President, in forwarding the unclassified report, made several observations with regard to noncompliance about which there can be little disagreement. Meaningful arms control demands that all parties to agreements fully comply with them. Noncompliance of any sort raises important policy issues for the arms control process. At a minimum, it undermines the confidence that is essential in order for the arms control process to be effective. Noncompliance also calls into question the security benefits that we hope to achieve from arms control, while raising new areas of security risk.

In addition to being fully informed on the evidentiary basis of the compliance issues, the Armed Services Committee will be concerned with the policy implications of this compliance record for the arms control process, as well as with military implications of the violations and what actions the administration plans in response. It is my intent to have this committee conduct a series of hearings later this year to address these issues in greater detail.

Our intent this morning is to proceed in closed session to deal with all classified matters that relate to the noncompliance issues, and then open the hearing to the public. Mr. Adelman, you may proceed as you see fit.

Senator GOLDWATER. Mr. Adelman, you may proceed.

STATEMENT OF HON. KENNETH L. ADELMAN, DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY

Mr. ADELMAN. Thank you, Mr. Chairman. It is a pleasure to be here.

We can give just a very few remarks at first and then——

Chairman GOLDWATER. We can make your remarks part of the record if you desire and you may go ahead and talk about it.

Mr. ADELMAN. We will do it very quickly and then present a briefing on the actual violations. We can discuss them.

Let me tell you it is a pleasure for us to be before the committee, it is an important committee, discussing an important subject right now. I have two main points to make in the beginning.

The first is to explain that verification is getting more difficult than ever in the arms control business. This is due to five factors.

One is that the Soviet violations we will be discussing this morning, have highlighted the compliance problems and makes us more suspicious about future agreements.

Second, the measures themselves that we are trying to limit are more strategically significant, but are more difficult to verify. Throwweight and warheads are more difficult than launchers.

Third, [deleted] Soviet information denial practices [deleted] are getting worse as time goes on.

Fourth, the technological advance. The systems themselves are getting smaller and more mobile: the SS-X-24 and SS-X-25 on the Soviet side and the cruise missile on the United States and Soviet side.

Fifth, we are going in this administration, Mr. Chairman for deep reductions of strategic weapons. When you go for deep reductions you have to be more careful about verification than if you have very high limitations.

So, those are the reasons I would present that verification is getting more difficult than ever and it is a problem that this committee and those of us in the executive branch will have to deal with in the coming years.

The next main point I would make is what we are doing about Soviet violations.

First and foremost, we are not sweeping these violations under the rug. We are pressing the Soviets. We are pressing the public and the allies to better understand how this is a very serious problem in arms control and how arms control has to overcome this problem of Soviet noncompliance if we are to make the kind of progress we want to make in the future.

We are pursuing paths to enhance our verification capabilities. We are infusing the new negotiations that are going to open on March 12 in Geneva with the compliance perspective. [Deleted.]

In the past we have not really presented the compliance issue first and foremost in the main part of the negotiations themselves. We have kind of delegated it to the SCC in Geneva, a separate body.

Another element we are doing about this, we are avoiding being overscrupulous in interpretating our obligations under existing treaties. By that I mean that while this administration fully intends to abide by the arms control treaty such as the ABM Treaty, there have been some unilateral statements in the past that have changed our mode of operation to one that is far stricter than the treaty provisions themselves.

So, we are reviewing those kinds of self-imposed restrictions.

We also would ensure or hope to work with Congress to ensure that the system of safeguards is in place when we enter a new agreement and we are attempting, wherever possible, to explain to the Soviets at the highest level possible that arms control can prosper in the future only if they comply with existing arms control agreements and commitments they have undertaken.

Mr. Chairman, let me just conclude by saying that we seek the counsel of this committee on the compliance issue. We understand the congressional interest in arms control in general. Most notably we are going to be clearly aided by the fact that some 28 Congressmen and Senators are planning to go to Geneva for the opening of the talks and I think that when we consider arms control and the prospects for arms control in the future it is important to infuse the consideration with the idea that Soviet compliance just has to be better than it has been in the past or else arms control cannot have the kind of future we desire.

I thank you, Mr. Chairman.

Chairman GOLDWATER. Thank you very much, Ken.

General.

STATEMENT OF LT. GEN. JOHN T. CHAIN, JR., U.S. DIRECTOR OF THE BUREAU OF POLITICO MILITARY AFFAIRS, DEPARTMENT OF STATE

General CHAIN. I think in the interest of time I will submit my remarks for the record.

Chairman GOLDWATER. That may be done.

[The prepared statement of General Chain follows:]

PREPARED STATEMENT OF LT. GEN. JOHN T. CHAIN, JR., USAF, DIRECTOR, BUREAU OF POLITICO-MILITARY AFFAIRS, DEPARTMENT OF STATE

Thank you for the privilege of presenting our views on this critical issue in arms control policy—Soviet noncompliance with arms control treaties, commitments, and obligations. Director Adelman has given you a rundown of the concerns we have, which have been covered separately in our Report to Congress, both the classified and unclassified version. As you know, the record is troubling. Let me elaborate on what it means for US foreign and strategic arms control policy, and what we intend to do to address these problems.

In foreign policy terms, the meaning of this record is clear. Soviet noncompliance with its obligations and commitments corrodes the U.S.-Soviet relationship, calling into question our ability to deal with the Soviet government from a common standard of reliability and integrity. These standards are essential elements of any constructive dialogue between two countries; in the case of the U.S.-Soviet relationship, where the ideological divide is so great and the stakes for world peace so high, they are doubly important. Soviet unwillingness to address our concerns in a serious manner, to alleviate our apprehensions and take corrective actions or explain their activities in ways that foster a better foundation for a productive relationship, is particularly troubling. It suggests that they take less seriously than they must these standards of reliability and integrity which we all should, after all, be able to take for granted. Their willingness to work with us to satisfactorily resolve our concerns would have a very positive influence on U.S.-Soviet relations.

In the arms control area, these activities call into question important security benefits from arms control, create new security risks, and undermine the confidence essential to an effective arms control process in the future. For example:

The aggregate of the Soviet Union's ABM and ABM-related actions suggests that the USSR may be preparing an ABM defense of its national territory. Such activities would have grave repercussions on the strategic balance, and on our ability to maintain our deterrent.

Soviet encryption of missile test telemetry, which impedes verification in violation of Soviet commitments to the contrary, calls into question our future ability to constrain the qualitative aspects of their forces which hold the greatest potential for instability.

In short, the activities over which we have concerns are in and of themselves detrimental to the arms control process. That said, what is to be done about this problem? Our objective is to ensure that both the letter and intent of treaty obligations and commitments will be fulfilled. To this end, we are:

Analyzing further issues of possible noncompliance.

Reporting on such issues to the Congress.

Seeking from the Soviet Union through diplomatic channels explanations, clarifications, and where necessary, corrective actions.

Taking the security implications of these violations into account in our defense modernization planning.

Let me elaborate briefly here. As you know, we have addressed many of our concerns with the Soviets privately, in the confidential channel of the Standing Consultative Commission and in other bilateral channels. Those channels remain an important part of our compliance policy. Indeed, it is our policy not to report publicly on Soviet violations until we have had dialogue with them in these channels.

Clearly, however, dialogue alone is not enough. In looking at past and current instances of noncompliance, we have to address the military significance of these actions and take steps accordingly. For example, the various activities engaged in by the Soviet Union which erode the ABM Treaty regime, and which suggest that the USSR may be preparing an ABM defense of its territory, requires us to take a better look at our preparation for dealing with such a defense, including advanced penetration aids or other means to counter such Soviet defense measures may be one way of dealing with this problem.

Looking toward the future, the solution must be draft treaty language which is clear in its obligations to both sides. Our negotiators in Geneva have been directed to take these compliance findings into account as they prepare for these negotiations, and draft positions accordingly.

They will also raise our concerns about past and current Soviet activities, in an effort to reverse the erosion of the ABM Treaty, and to seek a satisfactory outcome to our other concerns as well.

It will, for example, be difficult to move ahead in the defense and space forum without a satisfactory resolution of the Krasnoyarsk issue. But we are hopeful that progress in the arms control process will encourage the Soviets and give them incentives to resolve these compliance concerns.

Let me end by stressing that arms control agreements, properly pursued, can enhance stability and deterrence. Our preparations for Geneva are intensively exploring proposals which would do just this. At the same time the long-term viability of the arms control process requires that compliance comes once again to be something that is expected and adhered to as a matter of course. Soviet efforts which alleviate our concerns in this area will have a pronounced positive effect on our overall arms control dialogue.

Senator GOLDWATER. Mr. Perle.

STATEMENT OF HON. RICHARD N. PERLE, ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY POLICY)

Mr. PERLE. Mr. Chairman, as you know, this is not the first time that all of us have come before this committee to discuss violations by the Soviet Union on virtually every important agreement that exists between us.

I would just like to emphasize that the study that brought us to this conclusion is a very careful and deliberate one in which all of the agencies in the executive branch participated, and with a view to developing in every case with respect to each area about which we are concerned all of the possible arguments that the Soviets might use to justify their action.

We deem essential in coming to this conclusion that we in some cases do a better job than the Soviets have done themselves in finding explanations so that we would be confident beyond a reasonable doubt of our position.

The seriousness with which we view these violations goes beyond the immediate short-term military significance, although some of them are militarily significant. It goes beyond it in the sense that these are not easy treaties to violate because they are extraordinarily permissive treaties in which the Soviets have a great deal of reason to expand their forces and to improve them, wholly within the limitation we have negotiated, even within a rather strict interpretation of the treaties which we have negotiated.

What this suggests to me is that the Soviets are prepared to violate agreements in order to secure very marginal gains in some cases. That ought to be troubling. It ought to be troubling us to suggest that even the minor impediments to modernization and replacement of forces that exist under these agreeements have proved to be too much for the Soviet military planners.

They have simply pushed those provisions aside when they found them inconvenient. None of these violations in the short period is going to fundamentally alter the military balance, although there is potential for violation of the agreements for a long-term shift in strategic balance as a consequence of the further playing out of those violations.

I would only observe that the agreements themselves, because they have affected the strategic forces on both sides only at the margin, do not offer much opportunity to a fundamental change in the strategic balance.

The bottom line, Mr. Chairman, is that it makes it necessary that we regard the Soviet behavior as an indication, both with respect to past agreements and I think we must conclude future agreements, that the Soviets will violate agreements when they find it in their interest to do so and they will do so even for relatively modest improvements basic to their security.

This must be a guide to the manner in which we conduct future negotiations. As Ken Adelman has said, we believe the time has come to raise the issue of violation in the context of the ongoing negotiations themselves.

[Deleted.] This is a technical device. It is an opportunity for us to elicit information from the Soviets, [deleted].

So, we will look very closely at ways in which a restoration of compliance with the array of agreements that exist between us can be made a part of negotiating positions that we take to Geneva as new negotiations begin.

I would prefer in the interest of the committee's time to stop here, although there are remarks that could be made about some of the violations that are reported in the classified Presidential findings, but not in the unclassified Presidential findings owing to the sensitivity of that information.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Perle follows:]

PREPARED STATEMENT OF HON. RICHARD PERLE, ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY POLICY)

Despite the disappointing nature of my report to you this morning, it is a pleasure to appear before the Senate Armed Services Committee.

After an intensive two-year study of Soviet compliance with existing arms control agreements, President Reagan forwarded a report on Soviet compliance to the Congress on 1 February 1985. He summarized the findings of the report as follows:

In this unclassified report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States Government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty (through the siting, orientation and capability of the Krasnoyarsk Radar), violated the Limited Test Ban Treaty, and violated the SALT II provision prohibiting more than one new type of ICBM, and probably violated the ABM Treaty restriction on concurrent testing of SAM and ABM components. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous. In addition, the United States Government is concerned about Soviet preparations for a prohibited territorial ABM defense. Further, the USSR was determined to be currently in compliance with those provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and with the reconfiguration of dismantled ballistic missile launching submarines.

These are serious issues. The Soviet Union has violated almost all of the most important arms control agreements signed since 1963. Our concerns are deepened by the fact that Soviet violations in a number of cases involved treaties whose terms are not very demanding—SALT II, for example. Even the strictest possible compliance with SALT II would allow an enormous increase in Soviet nuclear capability. Indeed, there has been nearly an 80 percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. The fact that the Soviet Union has gone even beyond this and violated important treaty provisions is a cause for serious concern.

Moreover, as Secretary Weinberger has observed, "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements."

There are serious security risks from Soviet arms control violations. This is particularly true in the ABM area. The ABM Treaty does not limit the production of ABM interceptor missiles, which can be deployed rather quickly. Because large radars take years to construct, the radar limitations are its core provision. The ABM Treaty is hardly an optimum arms control agreement. Many of its provisions are permissive and thus involve a calculated risk. Even in 1972 the Soviet radar base was already more extensive than that of the then proposed U.S. Safeguard ABM. Indeed, a unilateral statement the U.S. Government issued during the SALT I negotiations noted that, "Since Hen House [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential." The new Soviet large phased-array radars (LPARs), six of which have been found, are far more capable than the Hen House.

The United States has long been concerned about the ABM potential of Soviet large phased-array radars. Indeed as early as 1970, then Secretary of Defense Melvin R. Laird told the Senate Foreign Relations Committee, "You all know that with regard to ABM defenses, long-lead items are the acquisition and tracking radars." Soon after signing the ABM Treaty, the Soviets began the construction of a new generation of large phased-array radars far more capable than the Hen House to support a large ABM program. Indeed, during the Carter Administration, the JCS reported that: "Soviet phased-array radars, which may be designed to improve impact prediction and target handling for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage."

In mid-1983 the United States discovered the construction of one of these radars deep in the interior of the USSR near the city of Krasnoyarsk. After a detailed analysis of this radar, its capabilities and Soviet explanations for its construction, the United States Government has concluded that: ". . . the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972, in that in its associated siting, orientation, and capability, it is prohibited by the Treaty."

We have other serious concerns about Soviet failure to comply with the ABM Treaty. During the negotiation of the Treaty, the U.S. Government attempted to deal with the threat of the upgrade of Soviet bomber defense (SAM) missiles into ABM systems. We were particularly concerned about the SA-5. In the testimony cited above, Secretary Laird voiced concern about the ABM potential of the Soviet SA-5 noting that, "We cannot rule out the possibility that the Soviets have given or will give this system, called the SA-5 or Tallinn system, an ABM role. We believe it is technically feasible for this system. This is a problem of particular concern because of the extent of the Tallinn deployment—over 1,000 interceptor missile launchers." The United States settled for a prohibition of testing such SAMs in the ABM mode but without a specific definition of what this meant.

Over the years we have expressed concerns to the Soviet Union about Soviet testing of bomber defense missiles (Surface-to-Air Missiles or SAMs) radars against strategic ballistic missiles. A 1978 report of the Carter Administration stated that this activity ". . . could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." In addition, as the Scrowcroft Commission noted in its report, "At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched ballistic missiles and even ICBMs." Two of the new Soviet SAMs now being deployed, the SA-10 and the SA-X-12, could have ABM potential if provided data from large phased-array radars. As was reported in the 1984 edition of "Soviet Military Power," "Both the SA-10 and the SA-X-12 may have the potential to intercept some types of U.S. strategic ballistic missiles as well. These systems could, if properly supported, add significant point-target coverage to widespread ABM deployment."

We have now determined that, "The number of incidents of concurrent operation of SAM and ABM components indicate the U.S.S.R. probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable."

As President Reagan stated in his report on the SDI in January 1985, "The Soviets are also engaged in research and development on a rapidly deployable ABM system that raises concerns about their potential ability to breakout of the ABM Treaty. . .". The President has now determined that this system and its components, "which are apparently designed to be deployable at sites requiring relatively little or no preparation, represent a potential violation of its [the Soviet Union's] legal obligations under the ABM Treaty."

Taking all these developments into account, the President concluded that, "The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the Soviet Union may be preparing an ABM defense of its national territory."

Concerning the SALT II Treaty, we have determined that there have been a number of violations or probable violations. We believe that the Soviets have probably deployed the SS-16 ICBM in violation of a specific treaty prohibition. We have determined that the Soviets have flight tested the SS-X-25 which is a second new type of ICBM in violation of the Treaty limit of one new type. Even if we were to accept the Soviet argument that this missile is not a prohibited new type, it would violate a Treaty prohibition on testing an existing ICBM with a single RV whose weight is less than 50 percent of the ICBM's throw-weight.

The limit of one new type of ICBM was described by the Carter Administration as one of the principal limits of SALT II. To quote Secretary of State Cyrus Vance in 1979, "Based on their past practices they could be expected to acquire several entirely new types of land-based missiles by 1985; the treaty limits them to one." While the "new" type limit of SALT II was hardly as restrictive as the Carter Administration made it out to be, the one thing the Carter Administration did insist on was that the SALT II Treaty would prohibit their testing of both a new medium and a new, small, solid-fuel ICBM. They have now done both. They have flight-tested both a new medium, solid-fueled ICBM similar to our MX and the SS-X-25, a Minuteman-sized solid-fuel missile. Morever, they have other new ICBMs under development and we are concerned that they, too, might violate SALT II limitations.

The United States has determined that Soviet encryption of missile telemetry impedes our verification of SALT II in violation of that agreement. This is a serious development because it also affects our ability to negotiate a verificable START Treaty. Indeed, President Carter told a Joint Session of the Congress in June 1979 that: "A violation of this part of the Treaty—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves." The Senate Foreign Relations Committee was so concerned about telemetry encryption in 1979 that it adopted an understanding to the resolution of ratification, sponsored by Senator Biden and adopted by a 15 to 0 vote, which provided:

> That any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the Treaty, including but not limited to the failure to transmit relevant telemetric information, which results in impeding of verification by United States national technical means of any provision of the Treaty, will be raised by the United States in the Standing Consultative Commission and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including, but not limited to, the right to withdraw from the Treaty.

Soviet violations of the chemical and biological treaties are more than simple arms control violations. They are atrocities. These weapons have been used against defenseless human beings in an organized effort to drive them from their homes by killing thousands of them. The apparent decline in the use of these weapons does little for the thousands who have died and nothing to absolve the Soviets from eight years of cruel and inhumane attacks with lethal mycotoxins. If anything, as the President reported, evidence gathered during 1984 "confirm and strengthen the conclusion of the January 1984, report that the Soviet Union had maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972."

The Soviet violation of the Helsinki Final Act involved an action contrary to the confidence-building measures included in that agreement which call for pre-notification of and information concerning military exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapid-81) exceeding that limit was conduced in 1981 at a time great pressure was being exerted on Poland. The Soviets failed to provide the required notification. Soviet compliance with the Helsinki provisions in 1984 has been minimal. Soviet conduct has increased the risks and uncertainties associated with their military exercises which can mask a mobilization and degrade Allied confidence of detecting it. This is a far cry from confidence building.

Soviet testing of nuclear weapons, which we believe is likely to have exceeded the 150 kiloton limit of the Threshold Test Ban Treaty, could result in the development of improved warheads for their strategic weapons systems. We are precluded from developing new weapons of comparable yield because of our compliance under the Treaty.

The U.S. Government has determined that the Soviet Union in numerous instances has violated the 1963 Limited Test Ban Treaty. The violations of the first significant arms control treaty between the US and USSR are deliberate and avoidable. They are not mere accidents but the result of deliberate testing policy. I am personally appalled by the lack of press reaction to this disclosure. The same individuals and organizations that have virtually waged war against the U.S. nuclear power industry are strongly silent in the face of disclosure of the deliberate contamination of our environment by the USSR.

There is no question that Soviet arms control violations are militarily significant. The Soviets have amassed, for example, a major advantage in chemical weapons and a monopoly on biological weapons. Advanced biological weapons utilizing genetic engineering could result in weapons of a type that do not currently exist and against which we would have no defenses. Our failure to fund the chemical weapons modernization program is particularly striking in view of the increasing evidence of large scale Soviet activities in the biological warfare area and massive chemical warfare capabilities.

Soviet violations—and impending violations—of the qualitative restraints of the SALT II Treaty will create threats in excess of even the permissive terms of SALT II. The SS-X-25 is hardly the last new Soviet ICBM. They will have a new MX-sized rail mobile missile capable of refire in a relatively short period of time.

They are also moving toward deployment of a new small, mobile ICBM which will be capable of refire. Meanwhile, the fate of the MX is uncertain and the US small ICBM program lags well behind the SS-X-25. We also know that the Soviets have other new ICBMs under development, and these, too, could violate the qualitative restrictions of the SALT II Treaty on throwweight and RVs.

The Soviet Union has already attained a three-to-one advantage in ballistic missile throwweight and an almost comparable advantage in time-urgent hard target kill capability. Soviet violation of the SALT II qualitative restrictions will assure that Soviet capabilities in this critical area will grow in a way that is contrary to treaty provisions. Likely Soviet violations of the TTBT will provide the warheads for these new missiles.

Perhaps the most important Soviet SALT related non-compliance comes in the ABM Treaty arena. Soviet deployment of substantial levels of prohibited ABM defenses can have great military significance. Lack of an effective ABM defense today is really the missing link of the Soviet warfighting potential. And it should be noted here that the Soviet doctrine and military plans call for developing a warfighting capability, in contrast to US defense doctrine which is based on development to sufficient military capability for effective deterrence of war. The Soviet Union has built strategic offensive forces capable of effective counterforce missions against hard targets. The Soviets have deployed massive bomber defense forces and are improving these forces almost daily. The Soviet civil defense program is of enormous scale and has the potential to substantially reduce Soviet population loss even in a large scale nuclear exchange. However, only through the deployment of large scale ballistic missile defense can the Soviets hope to prevent—rather than limit damage from—retaliatory attacks against important military targets and political targets.

There is a fundamental difference between a unilateral Soviet ABM capability in addition to their great advantages in strategic ballistic missiles, especially ICBMs, civil defense and bomber defenses, and the strategic situation we seek to emerge as a result of the SDI. A Soviet monopoly in ABM defense capability—or a base for a rapidly deployable one, covertly developed and deployed in violation of the ABM Treaty—is a serious threat to our security and the peace. We must deter such a Soviet development.

At this time we are looking at a series of military response options to a Soviet ABM "breakout." Possible options run the gamut from an increase in our strategic force capability—either inside or outside of existing arms control constraints—to actions that would result in improvements of our near term deployment potential for missile defenses of our own. Any military response to the type of potential ABM "breakouts" projected by the intelligence community will be expensive. We must have Congressional support if we are to credibly threaten such a response to a Soviet ABM Treaty "breakout." Otherwise, we would simply encourage the Soviet Union to further erode the ABM Treaty and move toward a "breakout" or quite possibly a "sneakout" from that agreement. Our ability to deal with the covert deployment scenario is even more critical because this is obviously the route the Soviets would like to use. It could mean reacting not only to clear evidence, but also to ambiguous evidence, because such evidence would probably be the only type we would get if the Soviets choose a cenvert deployment approach. And, as noted, we have observed a pattern of Soviet conduct that indicates that they are improving their capability to deploy a nationwide ABM system.

Violations, however, are more significant than the immediate military consequences of the acts themselves. They raise questions about the integrity of the arms control process that may be far more significant than the short-term military impact. Despite much rhetoric in the 1970s about the terrible consequences to the Soviet Union of arms control treaty violations, it is clear that these treaties are extremely difficult to enforce. There are those who even now demand standards of proof that simply cannot be met by national technical means of verification. There are those who argue we should ignore violations because they are not militarily significant. Others suggest that these Soviet violations are somehow our fault—we have not been tough enough with them in the Standing Consultative Commission (SCC). Some even suggest we should sweep these issues under the rug because they spoil the climate for future arms control.

There has been some criticism of our decision to make public these Soviet violations. The most fundamental misconception fostered by the advocates of this view is that somehow Soviet arms control violations are our fault because until recently we have not raised SALT II issues in the SSC. This is simply not true. We began raising SALT II issues in the Spring 1981 session of the SCC. We have also raised them through senior diplomatic channels. We called for a Special Session of the SCC in 1983 which the Soviets refused to attend.

The fact of the matter is that the SCC has been largely unsuccessful over the years in resolving serious compliance concerns. It is, after all, only a forum for meetings between the US and the USSR, and nothing constructive can emerge if one side refuses to acquit itself in a constructive manner. It has no judicial powers. Unfortunately, previous administrations have exaggerated its effectiveness in order to sell unverifiable arms control agreements to the U.S. Congress. Ambassador Paul Nitze was correct in 1979 when, during the SALT II hearings, he testified that: "They [compliance concerns] were resolved by accepting what has been done in violation."

One can debate whether the issues of the 1970's were violations or circumventions or a mix of both. There is no doubt that the Soviets have proven remarkably adroit at exploiting ambiguities in arms controi agreements to proceed with activities that it was the intent of one of the parties—us—to preclude by treaty. In doing this, the Soviets have not hesitated to mislead us, deliberately and all too successfully, in order to achieve their purpose. While we regard the spirit of agreements as a guide to their implementation, the Soviets do not. They care nothing for the spirit of agreements, and, when it suits their purpose, little more for their letter. This is a sad commentary; the truth is not always happy.

The current rash of Soviet arms control violations did not happen by accident. It resulted from the fact that our behavior vis-a-vis their non-compliance with signed agreements convinced the Soviets that they could get away with these acts. We did little in response to repeated Soviet violations of the LTBT during the 1960's and 1970's. We resolved many SALT I compliance problems by accepting Soviet behavior as legitimate. We resolved the SS-19 "heavy" missile issue by accepting the SS-19 as a "light" ICBM. There are now 2,000 warheads aimed at us on SS-19 missiles. We resolved the launch-control silo isues by accepting the legitimacy of launch-control facilities that are nearly identical to missile silos. We resolved the deployment of an ABM radar to Kamchatka by accepting it. We resolved the expanding pattern of Soviet concealment activities by ignoring them. During the 1970's we resolved the issue of Soviet testing of SAM missiles in the ABM mode by pretending it had stopped.

The SCC is basically a technical forum to deal with ambiguties. The problem however is violation. These can only be resolved at the political level. We plan to make the compliance issue a significant element of new arms control negotiations with the USSR.

We now need a bipartisan effort to bring Soviet arms control violations to an end. Rationalization of such Soviet activities can only encourage further violations by the USSR. Arms control without Soviet compliance is little more than unilateral disarmament by the United States. We must now create penalties for violations that deny the benefits of the violations to the USSR. By penalties I mean US responses which deny the Soviets the benefit of the advantage they gain from a violation. This could involve research, development, or deployments which at least offset the advantage obtained by the Soviets. It need not be a tit-for-tat. It may not suit our purposes to build a Krasnoyarsk Radar in Wyoming. But we cannot continue to impose upon ourselves a double standard that amounts to unilateral treaty compliance.

Mr. **Adelman**. Mr. Chairman, if I may followup on one comment that Richard made and that is from the arms-control perspective, aside from the military-significance perspective, what is perhaps most disturbing in this is not only what Richard said about the marginal utility of the Soviet noncompliance, but also the seeming disregard that the Soviets had when they embarked on a path that they knew was a violation, we knew was a violation, and second, they knew we would detect as a violation.

I can give a clear example of the Krasnoyarsk radar which is several football fields long. So, the Soviets had to realize that we could see that [deleted]. It is a huge construction endeavor that must have been planned and begun in the early to mid-1970's.

Now, this was right after the signing of the ABM Treaty in 1972. This was at the heyday of détente, and high hopes for arms control. Yet they embarked on a path that not only is it difficult to isolate, it is impossible for reasonable individuals to justify in terms of the ABM Treaty itself, but it is not something that any reasonable men in the Kremlin could have thought to themselves, we are going to get away with this one and not have the Americans detect it.

What it says about their desire for an arms control regime, I think, is one of the most disturbing elements in this whole picture.

Chairman **Goldwater**. Thank you very much, gentlemen.

I think in the interest of time we will go right to questioning because I think most of us have a very good grasp of what we feel we know and we don't know.

So, I will start off with Senator Warner.

Senator **Warner**. Thank you, Mr. Chairman.

A question to Secretary Perle. As I sit and listen, you certainly have been consistent through the years as you have testified before the Armed Services Committee about your views.

However, in the interim between last year and this year we have the announcement of the President that you will be returning to the negotiations and the Soviets will be returning to rejoin our negotiators who theoretically have been there consistently.

Given that, against the background of your own views on this subject, what can we hope to expect in the near term and the long term from these negotiations?

Mr. **Perle**. Senator, I hope that in the forthcoming negotiations we would, in addition to responding to Soviet ideas and at some appropriate point some ideas of our own on the kinds of reductions in the strategic forces, reductions in the nuclear forces in particular, the offensive forces, that we would meld into our positions a requirement that the Soviets take action to correct those violations that we have found.

It is essentially important with respect to those generic violations, if I can use that term, that bear on all of the agreements between us.

A good example of that is the expanding pattern of concealment that we have witnessed as the Soviets have encrypted their telemetry, for example, in the manner that makes it increasingly difficult [deleted] for us to verify compliance with agreements [deleted].

For a long time one of the popular arguments for the SALT II Treaty and indeed for arms control in general is that the verification provisions of those treaties actually meant that we have better information about the Soviet forces than we would have had in the absence of those agreements.

You remember Harold Brown sitting where I am sitting making that point in the defense of the SALT II Treaty. Yet the irony is that since the negotiations of that treaty we have seen the Soviets take deliberate action to deny us information which has now gone beyond simply impeding our ability to verify compliance.

So, we know less today than we did before that treaty.

Senator **WARNER**. The American people are becoming more and more aware of the subject of arms control. That is a healthy development in our country. They have imposed on the President and the Congress the responsibility to see that whatever agreements are brought forth are adequately verifiable.

Now, given the trend toward the increasing difficulty, how can we in good faith, presumably, negotiate and then the Senate ratify possibly an agreement that inherently cannot be verified?

Mr. **PERLE**. We are now talking, if I may say so, about more than simply the ability to verify.

We are talking about how to secure compliance even though you know a violation has taken place.

In our emphasis for many years on the question of verification and monitoring, whether we would know what the Soviets were doing, whether we make judgments about whether their behavior is consistent or inconsistent with the treaties, we have intended to overlook the unhappy fact that if the Soviets do violate these agreements, we have very little recourse.

Senator **WARNER**. There is the court of world opinion and that is about it, isn't it?

Mr. **PERLE**. And that is not terribly helpful.

One of the most disappointing developments of the last 1½ years during which time we have had these Presidential findings is how little resonance our concern has demonstrated elsewhere.

[Deleted.]

Senator **WARNER**. Mr. Chairman, maybe Mr. Adelman could reply and then I will conclude with my questions.

Mr. **ADELMAN**. Let me say, Senator Warner, that your question is a very, very good one. I think that it is good that the public is more aware of arms control and more involved in the arms control process.

However, I have to say that at times from the public and even congressional discourse on arms control you get into a way of thinking about arms control as kind of a Valium of the West, something to solve our problem and almost a magical cure of the difficulities of dealing with the Soviet Union, for the nuclear difficulties, for the problems of living in the nuclear age.

I would say that the compliance issue should be some kind of realistic element in the arms control business because we cannot accomplish our goals in arms control, realizing a stable world and a more stable strategic balance, if the Soviets are cheating in arms control.

What do we hope to accomplish?

Well, I think we are not as an executive branch, nor as the U.S. Government, nor as a country, willing to abandon hope that arms control can prove to be beneficial in the future.

It is my view that we should continue trying to get Soviet compliance with arms control and to get them to accept and adhere to the agreements that we seek for real reductions in strategic nuclear weapons.

Senator WARNER. Do I interpret your reply to indicate that you hope future generations of Soviet leadership will comply as opposed to the noncompliance of previous generations?

Mr. ADELMAN. I am not sure it will take a change in leadership. I think it will take a change in Soviet estimation of how seriously we pursue our strategic modernization program to protect our interests, how much we pursue the compliance issue, because I think that if they see that it is a cost-free endeavor to cheat on arms control, they have no disincentive to continue that practice.

It may not be a leadership change. It may be something within that.

One last point to make, Senator Warner, is that when the verification consideration comes in any new arms control regime, I think the administration is going to be far franker and just lay the situation before this committee and the U.S. Senate on the risks, on the upside and the downside of the verification provisions that are in the treaty submitted to the Senate.

I think this is a very important consideration.

Senator WARNER. Thank you.

Thank you, Mr. Chairman.

Chairman GOLDWATER. Senator Hart.

Senator HART. Mr. Perle, given your gloomy, if not dire, assessment of Soviet performance and intentions that they systematically violate the treaties and do so with impunity and don't seem to particularly care what our concerns are, what response do you give to the thoughtful American citizen who says, why negotiate with them at all?

Given that assessment of Soviet attitude, how do you justify going back to the bargaining table?

Mr. PERLE. I think you go back to the bargaining table with a more realistic sense of what is possible to achieve. What it may be possible to achieve is a regime of reductions, at least we very much hope so, in which the provisions of the agreements are such, because we make sure that they are of that nature, that if violated, we would not suffer catastrophic military consequences.

For example, if the Soviets are able to deploy more missiles than they are entitled to under the agreement as we move into an era of mobile missiles, the numbers will be difficult to verify.

We can probably live with that, but an agreement that restricted the testing of defensive systems which if violated could mean a major breakthrough in the development of defenses would be an agreement that I think would be very unwise.

In short, we ought to adjust our expectations and enter into agreements on the assumption that they may be violated and we should take care to assure that the provisions agreed to are not of such a consequence that if violated, we will be left in a very, very vulnerable position.

Senator **Hart**. I have heard you say or suggest very strongly that we ought to assume that they will be violated; not that they may be, but they will be.

Mr. **Perle**. I think that is the safest assumption to make. Between believing we can trust them to comply and expect them to comply, if compliance is inconvenient, they will not comply. The evidence is that they will not comply if it is inconvenient.

Senator **Hart**. Mr. Adelman, over the past 5 years, given a pattern of our complaint about their violations and practices, have the Soviets changed any of those practices? Have there been any modifications in their behavior at all?

Mr. **Adelman**. Yes. I think over the past years that we have repeatedly complained about violations there has been some change of Soviet behavior. I think that is obviously very welcome and what we look for is more of a change in behavior than we do in different words.

Let me say one of the things I have personally felt strongest about is the biological toxin use in Asia, the Yellow Rain issue, and while there may be new reports just a day old, it seems that over the last year we have not had any conclusive evidence that toxins have been dumped on the Hmong people in Southeast Asia. That may be due to our making a big issue of it in the United Nations and elsewhere.

Senator **Hart**. Would it be possible for your Agency to provide us with a list of changes in practice of that sort if such a list exists?

Mr. **Adelman**. Yes. [See finding 1 of the report.]

[The information follows:]

[The White House, office of the press secretary. For release at 3:30 P.M. (EST)—Feb. 1, 1985.]

The President's Unclassified Report to the Congress on Soviet Noncompliance With Arms Control Agreements

The following is the text of a message to the Congress transmitting the President's unclassified Report on Soviet Noncompliance with Arms Control Agreements as required by the fiscal year-1985 Defense Authorization Act:

To the Congress of the United States:

During 1984, at the request of the Congress, I forwarded two reports to the Congress on arms control compliance. The first, forwarded last January, was an in-depth analysis of seven specific issues of violations of probable violations by the Soviet Union of arms control obligations and commitments. The second report, forwarded in October, was an advisory study prepared independently by the General Advisory Committee on Arms Control and Disarmament. These reports indicate that there is cause for serious concern regarding the Soviet Union's conduct with respect to observance of arms control agreements.

In the FY-1985 Defense Authorization Act and the Conference Report on that Act, the Congress called for additional classified and unclassified reports regarding a wide range of questions concerning the Soviet Union's compliance with arms control commitments. The Administration is responding to these requests by providing both classified and unclassified reports which update the seven issues initially analyzed in the January 1984 report, and analyze a number of additional issues.

In this unclassified report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States Government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty (through the siting, orientation and capability of the Krasnoyarsk Radar), violated the Limited Test Ban Treaty, and violated the SALT II provision prohibiting more than one new type of ICBM, and probably violated the ABM Treaty restriction on concurrent testing of SAM and ABM components. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous. In addition, the United States Government is concerned about Soviet preparations for a prohibited territorial ABM defense. Further, the USSR was determined to be currently in compliance with those provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and with the reconfiguration of dismantled ballistic missile launching submarines.

Beyond the issues that are treated in the unclassified report released today, there are other compliance issues that will not be publicly disclosed at this time but which remain under review. As we continue to work on these issues, we will brief and consult with the Congress in detail and will, to the maximum extent possible, keep the public informed on our findings.

In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less. To do so would undermine the arms control process and damage the chances for establishing a more constructive US-Soviet relationship.

As I stated last January, Soviet non-compliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press these compliance issues with the Soviet Union through diplomatic channels.

Our approach in pursuing these issues with the Soviet Union is to ensure that both the letter and intent of treaty obligations and commitments will be fulfilled. To this end the Administration is: analyzing further issues of possible non-compliance; as noted above, seeking from the Soviet Union through diplomatic channels explanations, clarifications, and, where necessary, corrective actions; reporting on such issues to the Congress; and taking into account in our defense modernization plans the security implications of arms control violations. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. Our objectives in the new negotiations which begin in March are to reverse the erosion of the ABM Treaty and to seek equitable, effectively verifiable arms control agreements which will result in real reductions and enhanced stability. While all of these steps can help, however, it is fundamentally important that the Soviet Union take a constructive attitude toward full compliance with all arms control obligations and commitments.

The Administration and the Congress have a shared interest in supporting the arms control process. For this reason, increased understanding of Soviet violations or probable violations, and a strong Congressional consensus on the importance of compliance to achieving effective arms control, will strengthen our efforts both in the new negotiations and in seeking corrective actions from the Soviet Union.

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

Sincerely,

/s/ RONALD REAGAN.

The unclassified report provided to the Congress is attached.

FEBRUARY 1, 1985.

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

INTRODUCTION

In January 1984, the President, in response to Congressional requests, reported to the Congress on several issues involving violations or probable violations by the Soviet Union of existing arms control agreements, including: the Geneva Protocol on Chemical Weapons the Biological and Toxin Weapons Convention, the Helsinki Final Act, the ABM Treaty, SALT II, and the Threshold Test Ban Treaty.

In that report the President stated:

"If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed."

The President further noted that:

"Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the USSR as a negotiating partner, and thus damages the chances for establishing a more constructive US-Soviet relationship."

The current unclassified report provides updated information on the seven issues previously reported and additionally reviews six other compliance issues that have been intensively studied since the January 1984 report was completed, for a total of thirteen issues. The six new cases involve questions of Soviet compliance with provisions of the SALT I Interim Agreement, the Limited Test Ban Treaty (LTBT) and the Anti-Ballistic Missile (ABM) Treaty.

—With regard to the SALT I Interim Agreement, this report examines the evidence on two issues: (1) whether the USSR has made prohibited use of remaining facilities at dismantled former ICBM sites; (2) whether the USSR has reconfigured dismantled ballistic missile submarines in a manner prohibited by Treaty or Protocol provisions.

—With regard to the Limited Test Ban Treaty (LTBT), this report examines whether the USSR vented nuclear debris from underground nuclear tests beyond its territorial limits in contravention of the LTBT.

—With regard to the ABM Treaty, this report examines whether the USSR has: concurrently tested SAM and ABM components; developed, tested or deployed mobile ABM components; and/or has provided a base for territorial defense.

In this report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty through the siting, orientation and capability of the Krasnoyarsk Radar and the Limited Test Ban Treaty; by testing the SS-X-25 ICBM in addition to the SS-X-24 ICBM, violated the SALT II "new types" provision limiting each party to one new type ICBM; and probably violated the prohibition against concurrent testing of SAM and ABM components. Moreover, the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national Territory. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous, and the USSR was determined to be currently in compliance with provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and the reconfiguration of dismantled ballistic missile launching submarines.

In addition to the issues regarding Soviet compliance with arms control agreements which are addressed in this unclassified report, there are other compliance matters currently under review which cannot be publicly disclosed at this time and which we intend to brief to the Congress on a classified basis in the near future.

In examining the issues in this unclassified report, as well as in the classified report to follow, we have focused on questions of Soviet noncompliance. Questions of Soviet noncompliance have not arisen with regard to several other provisions of these agreements, nor with certain other treaties, such as the Antarctic Treaty, the Outer Space Treaty, the non-proliferation Treaty, the Seabed Arms control treaty, the Environmental Modification Convention, and others.

The issues we have analyzed raise very serious concerns. The United States Government firmly believes that in order for arms control to have meaning and credibly contribute to national security and to global and regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and the United States Government will not accept anything less: to do so would undermine the arms control process and damage the chances for establishing a more constructive US-Soviet relationship.

THE FINDINGS

Biological and Toxin Weapons Convention and 1925 Geneva Protocol

1. Chemical, Biological, and Toxin Weapons

—*Treaty Status:* The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

—*Obligations:* The BWC bans the development, production, stockpiling or possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

—*Issues:* The January 1984 compliance report addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons. Soviet compliance was reexamined for this report.

—*Finding:* The U.S. Government judges that evidence during 1984 confirm and strengthen the conclusion of the January 1984, report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

Although there have been no confirmed chemical and toxin attacks in Kampuchea, Laos, or Afghanistan in 1984, there is no basis for amending the January 1984 conclusion that the Soviet Union has been involved in the production, transfer and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

Limited Test Ban Treaty

2. Underground Nuclear Test Venting

—*Treaty Status:* The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty (LTBT)) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

—*Obligations:* The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space, and under water. It also prohibits nuclear explosions in any other environment "if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted."

--*Issue:* The U.S. examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits.

—*Finding:* The U.S. Government judges that the Soviet Union's underground nuclear test practices have resulted in the venting of radioactive matter and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation to the Limited Test Ban Treaty. The Soviet Union has failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite U.S. request for corrective action.

Threshold Test Ban Treaty

3. Nuclear Testing and the 150 Kiloton Limit

—*Treaty Status:* The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified but neither party has indicated an intention not to ratify. Therefore, both parties are subject to the obligation under customary international law to refrain from acts which would defeat the object and purpose of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their legal obligation. The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

—*Obligation:* The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

—*Issue:* The January 1984 report examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. This issue was reexamined for this report.

—*Finding:* The U.S. Government judges that, while ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1984, evidence available through the year confirms the January 1984 finding that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continue despite U.S. requests for corrective measures.

Helsinki Final Act

4. Helsinki Final Act Notification of Military Exercises

—*Legal Status:* The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other States. Soviet actions not in accord with that document are violations of their political commitment.

—*Obligation:* All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major maneuvers, defined as those involving more than 25,000 ground troops.

—*Issues:* The January 1984 compliance report examined whether notification of the Soviet military exercise Zapad-81 was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. The USSR's compliance with its notification commitment was reexamined for this report.

—*Finding:* The U.S. Government previously judged that the Soviet Union violated its political commitment to observe the prior-notification provisions of Basket I of the Helsinki Final Act, which requires notification and other information concerning exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapad-81), exceeding the 25,000 troop limit, was conducted in 1981 at a time great pressure was being put on Poland, and the Soviet Union did not provide the prenotification or other information required. The judgment that the Soviet Union did not observe the prior notification provisions of the Helsinki Final Act is confirmed.

While the USSR and Warsaw Pact states have generally taken an approach to the confidence-building measures of the Final Act which minimizes the information they provide, Soviet compliance with the exercise-notification provisions was much improved in 1983. However, during 1984, the USSR returned to a minimalist stance, providing only the bare minimum required under the Final Act.

SALT I Interim Agreement

—*Treaty Status:* The SALT I Interim Agreement entered into force for the United States and the Soviet Union in 1972. Dismantling procedures implementing the Interim Agreement were concluded in 1974. The Interim Agreement, by its own terms, was of limited duration and expired as a legally binding document in 1977. The applicability of the Interim Agreement to the actions of both parties has, however, been extended by the parties by a series of mutual political commitments, including the President's May 31, 1982 statement that the United States would refrain from actions which would undercut existing strategic arms agreements so long as the Soviet Union shows equal restraint. The Soviets have told us they would abide by the SALT I Interim Agreement and SALT II. Any actions by the USSR inconsistent with this commitment are violations of its political commitment with respect to the Interim Agreement and its implementing procedures.

Two issues were analyzed for this report: Soviet activities at dismantled ICBM sites, and reconfiguration of a Yankee-Class ballistic missile submarine.

5. Mobile Missile Base Construction at Dismantled SS-7 ICBM Sites

—*Obligation:* The SALT I Interim Agreement and its procedures prohibit the parties from using facilities remaining at dismantled or destroyed ICBM sites for storage, support, or launch of ICBMs. Any Soviet actions inconsistent with this commitment are violations of a political commitment with respect to the Interim Agreement and its implementing procedures.

—*Issue:* The U.S. examined whether the USSR has used former ICBM sites in a manner inconsistent with its political commitment under the Interim Agreement and its implementing procedures.

—*Finding:* The U.S. government judges that Soviet activity apparently related to SS-X-25 ICBM deployments at two former SS-7 bases does not at present violate the agreed implementing procedures of the SALT I Interim Agreement. However, ongoing activities raise concerns about compliance for the future, since use of "remaining facilities" to support ICBMs at deactivated SS-7 sites would be in violation of Soviet commitments. The U.S. will continue to monitor developments closely.

6. Reconfiguration of Yankee-Class Ballistic Missile Submarines

—*Obligations:* The SALT I Interim Agreement and its procedures require that submarines limited by the Agreement be dismantled or be reconfigured into submarines without ballistic missile capabilities. Any Soviet actions inconsistent with this obligation are violations of a political commitment.

—*Issue:* The U.S. examined whether the USSR's reconfiguration of a submarine to increase its length, and for use as a platform for modern long-range cruise missiles is consistent with its political commitments under the Interim Agreement and its implementing procedures.

—*Finding:* The U.S. Government judges that the Soviet Union's conversion of a dismantled SSBN into a submarine longer than the original, and carrying modern, long-range cruise missiles is not a violation of its political commitment under the SALT I Interim Agreement, but constitutes a threat to U.S. and Allied security similar to the original Yankee-Class submarine.

SALT II Treaty

—*Treaty status:* SALT II was signed in June 1979 and has not been ratified. In 1981 the United States made clear to the Soviet Union its intention not to ratify the SALT II Treaty. Prior to this clarification of our position in 1981, both nations were obligated under customary international law not to take actions which would defeat the object and purpose of the signed, but unratified, Treaty. Such Soviet actions prior to 1981 are violations of legal obligations. Since 1981, the United States has observed a political commitment to refrain from actions that undercut the SALT II Treaty so long as the Soviet Union does likewise. The Soviets have told us they also would abide by these provisions. Soviet actions inconsistent with this commitment are violations of their political commitment with respect to the SALT II Treaty.

Three SALT II issues are included in this unclassified report: encryption of telemetry, SS-X-25 ICBM, and SS-16 ICBM deployment.

7. Encryption of Ballistic Missile Telemetry

—*Obligation:* The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The Treaty permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

—*Issue:* The January 1984 compliance report examined whether the Soviet Union has engaged in encryption of missile test telemetry (radio signals) so as to impede verification. This issue was reexamined for this report.

—*Finding:* The U.S. Government reaffirms the conclusion in the January 1984 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite U.S. request for corrective action, continues to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment.

8. The SS-X-25 ICBM

—*Obligation:* In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throwweight or differs in number of stages or propellant type. In addition, it was agreed that no single re-entry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throwweight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

—*Issues:* The Soviets declared the SS-X-24 to be their allowed one new type ICBM. The January 1984 report examined the issues: whether the Soviets have tested a second new type of ICBM (the SS-X-25) which is prohibited; whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throwweight; and whether encryption of SS-X-25 flight test telemetry impedes verification. The U.S. reexamined these issues for this report.

—*Finding:*

a. Second New Type

The U.S. Government judges that the SS-X-25 is a prohibited second "new" type of ICBM and that its testing, in addition to the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new" type provision of the SALT II Treaty. Despite U.S. requests, no corrective action has been taken.

b. RV-to-Throwweight Ratio

The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-X-25 RV-to-throwweight rato. That is, if we were to accept the Soviet argument that the SS-X-25 is not a prohibited new type of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throwweight of the ICBM.

c. Encryption

The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-X-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of a legal obligation prior to 1981, and of the USSR's political commitment subsequent to 1981.

9. SS-16 Deployment

—*Obligation:* The Soviet Union in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage or the reentry vehicle of that missile.

—*Issue:* The January 1984 report examined the evidence regarding whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment. The U.S. reexamined this issue for this report.

—*Finding:* The U.S. Government reaffirms the judgment made in the January 1984 report. While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of the USSR's legal obligation not to defeat the object and purpose of SALT II prior to 1981 when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

ABM Treaty

—*Treaty Status:* The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

Four ABM issues are included in this unclassified report: The Krasnoyarsk radar, mobile land-based ABM systems or components, concurrent testing of ABM and SAM components, and ABM territorial defense.

10. The Krasnoyarsk Radar

—*Obligation:* In an effort to preclude creation of a base for territorial ABM defense, the ABM Treaty limits the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the periphery of the national territory of each party and requires that they be oriented outward. The Treat permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control-agreements.

—*Issue:* The January 1984 report examined the evidence regarding the construction of a large phased-array radar near Krasnoyarsk in central Siberia. It was concluded that this radar was almost certainly a violation of the ABM Treaty. The U.S. reexamined this issue for this report.

—*Finding*: The U.S. Government judges, on the basis of evidence which continued to be available through 1984, that the new large phased-array radar under construciton at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction, and the absence of credible alternative explanations, have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken.

11. Mobility of New ABM System

—*Obligation*: The ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components.

—*Issue*: The U.S. examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty.

—*Finding*: The U.S. Government judges that Soviet actions with respect to ABM components mobility are ambiguous, but the USSR's development of components of a new ABM system, which apparently are designed to be deployable at sites requiring relatively little or no preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet actions suggest that the USSR may be preparing an ABM defense of its national territory.

12. Concurrent Testing of ABM and SAM Components

—*Obligation*: The ABM Treaty and its Protocol limit the parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them in "an ABM mode." The parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

—*Issue*: The U.S. examined whether the Soviet Union has concurrently tested SAM and ABM system components in contravention of this legal obligation.

—*Finding*: The U.S. Government judges that evidence of Soviet actions with respect to concurrent operations is insufficient to assess fully compliance with Soviet obligations under the ABM Treaty, although the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The number of incidents of concurrent operation of SAM and ABM components indicate the USSR probably violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other such Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

13. ABM Territorial Defense

—*Obligation*: The Treaty allows each part a single operational site, explicitly permits modernization and replacement of ABM systems or their components, and explicitly recognizes the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

—*Issue*: The U.S. examined whether Soviet ABM and related activities provide a base for a territorial defense.

—*Finding*: The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national territory.

Senator HART. Both Mr. Perle and Mr. Adelman, if you were testifying before a Soviet Senate Committee about what you perceived to be U.S. violations of the treaties, what particular items would you mention or which ones come up in the SCC, for example.

Mr. ADELMAN. We have a list of issues that the Soviets have accused us of violating. We will be happy to supply that to the committee.

What is interesting about this list is the fact that it has been widely publicized in the United States. To my knowledge, there is no group or institution or individual, no matter how hostile to the

Reagan administration on arms control, that thinks this list is worth the paper it is written on.

It has not been picked up by any of the movements out there that are very much opposed to the Reagan administration. So, the issue has not come up because there is nothing to it.

I will be happy to supply that.

[The information follows:]

April 19, 1984.

Facts Concerning Soviet Charges of U.S. Arms Control Noncompliance

On January 23, 1984, the US Government, in response to a Congressional mandate, delivered a report to the Congress on seven serious Soviet arms control violations and probable violations with respect to a number of Soviet legal obligations and political commitments in the arms control field. The findings of that report were reached after a careful review of many months and numerous diplomatic exchanges with the Soviet Union.

On January 30, 1984, the Soviet Union made public an aidememoire which had been delivered a few days earlier by its Embassy in Washington to the US Department of State and which contained a long list of varied allegations concerning US adherence to existing arms control agreements. The Soviet charges of US arms control violations are baseless. As President Reagan stated on January 23, 1984, in providing the Report to the Congress on Soviet Noncompliance with Arms Control Agreements, "the US is continuing to carry out its own obligations and commitments under relevant agreements."

The US Government hopes this initial reaction by the Soviet Union to the President's Report is not its last word, and that the Soviet Union will discuss seriously and in detail the issues we have raised on compliance, by providing explanations and clarifications, and undertaking corrective actions, where necessary.

This report addresses Soviet allegations and provides a summary of the facts for each allegation.

1. SALT II: the Protocol

Soviet Allegations: The Soviet Union asserts that, by its refusal to ratify the SALT II Treaty, the United States has not implemented the agreement in the associated Joint Statement of Principles to pursue negotiations to resolve the SALT II Protocol issues concerning the development of solutions for long-range sea-and land-base cruise missiles. The Soviet Union further claims that the US refusal to ratify SALT II occurred, in part, in order that the US would "have a free hand for the massive deployment of long-range cruise missiles."

The Facts: The Soviet assertions are groundless. In 1979, NATO decided both to deploy land-based, longer-range INF (LRINF) missiles in Europe in response to a specific and growing Soviet nuclear threat, highlighted by the appearance of the SS-20, and, at the same time, to seek an arms control agreement limiting LRINF Systems on both sides. US willingness to enter into those negotiations was fully consistent with provisions of the Joint Statement of Principles concerning negotiation of follow-on limitations on cruise missiles. The US remains willing to return to negotiations on LRINF systems, including ground-launched cruise missiles (GLCMs) at any time. It is the Soviet Union which has broken off the INF talks and thereby impeded efforts to negotiate an agreement involving GLCMs. Thus the nonratification of SALT II is completely irrelevant, since the US is willing to discuss the issues in the Protocol in any case. Furthermore, the US is prepared, without any preconditions or reservations, to return immediately to the INF negotiations and to the START negotiations in which, as we have stated many times, everything is on the table. The US made clear during the SALT II negotiations and later publicly, however, that the limitations in the Protocol, which was to expire in 1981, would not serve as a precedent for any future limitations.

The decision by the Carter Administration in January 1980 to request a delay in Senate consideration of the SALT II Treaty was a direct result of the Soviet Union's own actions, specifically its invasion of Afghanistan in December 1979. Subsequently, in May 1982, the Reagan Administration noted, in a statement made by Secretary of State Haig before the Senate Foreign Relations Committee, that the Treaty was essentially rejected by the United States Senate in hearings held in July and August of 1979 and that it considered the Treaty to be dead, a Treaty the Administration, in any case, considered fatally flawed and inadequate to protect US national security. About the same time, the President stated that the US would refrain from actions that undercut existing strategic arms agreements, as long as the Soviet Union shows equal restraint.

2. SALT II: Noncircumvention and International Commitments

Soviet Allegation: The Soviet Union asserts that, by initiating the deployment of Pershiing II ballistic missiles and longer-range, land-based cruise missiles in Europe, the United States ". . . has proceeded to violate the SALT II Treaty provisions against circumventing the Treaty through any other state or states, or in any other manner, as well as against assuming any international obligations which would conflict with that Treaty." The Soviet Union concludes that the deployment of these systems "in no way corresponds to the US commitment to refrain from actions undercutting the SALT II Treaty."

The Facts: NATO's Pershing II and GLCM programs do not circumvent the provisions of the SALT II Treaty. Two points pertain. First, the Pershing II missile falls outside the SALT II Treaty since its range is less than the 5,500 km minimum set for intercontinental ballistic missiles, as defined by SALT II. Second, the only provision of SALT II which would have applied to LRINF systems was contained in its Protocol which prohibited deployment of ground-launched and sea-launched cruise missiles (GLCMs and SLCMs) capable of a range in excess of 600 km. The Protocol, however, would have expired on December 31, 1981, by its own terms, and the US made clear at the time SALT II was signed that the Protocol would not be extended beyond that date. The US also made clear to the Soviets during the SALT II negotiations, and subsquently stated publicly following signature of the Treaty, that the SALT II noncircumvention provision would not alter existing patterns of cooperation with our Allies or preclude transfer of systems and weapons technology. Consequently, deployment of these systems, which falls entirely outside the limits of the Treaty, which is a Treaty on Stategic offensive arms, does not constitute circumvention. The Soviet assertion is merely an attempt to provide the Treaty with an interpretation which it clearly has never had, in an effort apparently designed to discredit NATO LRINF deployments and US compliance with SALT II.

The US stated publicly that any future limitations on US intermediate-range systems would have to be accompanied by appropriate limitations on comparable Soviet systems. The Pershing II and GLCM are intermediate-range nuclear forces being deployed to counter the threat to US Allies posed by the SS-20 and other Soviet INF systems. It was the growing Soviet INF threat, our desire to reduce (or counter) that threat, and the absence of coverage of INF systems in the SALT II Treaty that led NATO to propose the INF negotiations.

The deployment of these systems is fully consistent with the undertakings of the SALT II Treaty, and thus with the US commitment to refrain from actions which would undercut the Treaty.

3. SALT II and the Interim Agreement: Use of Shelters

Soviet Allegation: The Soviet Union asserts that the US use of shelters over Minuteman II and Titan II ICBM launchers raises doubts about US compliance with the SALT I Interim Agreement's verification provisions. The Soviet Union also asserts that, since the converted Minuteman II launchers over which shelters were used are practically indistinguishable from Minuteman III launchers, it may be assumed that these converted silos contain MIRVed Minuteman III ICBMs. The Soviet Union concludes that, if this is the case, it constitutes "direct and glaring noncompliance" with both the Interium Agreement's provisions on verification as well as the SALT II MIRV sublimits.

The Facts: The Soviet assertions are false. Although the U.S. has used shelters over ICBM silos for environmental protection, such use has not impleded Soviet verification by national technical means of U.S. compliance with the provisions of either the SALT I Interim Agreement or the SALT II Treaty, nor were shelters used to conceal conversion of Minuteman II launchers to Minuteman III launchers.

During inital Minuteman construction, as well as during the Minuteman modernization and silo hardening program in the mid-1970s, environmental shelters were used to protect the construction and the workers at the silos from the weather. In the case of the One Titan II silo at which a shelter was used, a cover was used in 1981 to protect it from the weather during repair work on damage due to an accident: it was specifically designed to avoid any impediment to national technical means of verification, was significantly smaller than the dimensions of many covers used by the Soviet Union, and was removed promptly after the need for it ended. The facts concerning the activities being carried out at these launchers were provided and explained in full detail to the Soviet Union several years ago, and were also available in the public domain. Both sides have recognized that certain activities associated with work at launch sites, including permitted modernization, can be performed more easily with protection from the elements. The U.S. made clear to the Soviet Union that the use of these shelters was for environmental protection only and that it was not a deliberate concealment measure.

In response to Soviet expressions of concern regarding the use of shelters at Minuteman silos, the U.S. in early 1977, decided to modify the use of environmental shelters over Minuteman silos, and reduced their size by almost 50 percent. Subsequently, in 1979, the U.S. discontinued use of environmental shelters over ICBM silos. In a Common Understanding associated with the SALT II Treaty, the U.S. and Soviet Union agreed that no shelters which impede verification by national technical means of compliance with the provisions of the SALT II Treaty should be used over ICBM silo launchers. This demonstrates U.S. willingness to be responsive to Soviet concerns.

It is clear that the only reason the Soviet Union has raised the subject of the U.S. use of shelters is to enable it to charge a U.S. violation of the SALT II MIRV sublimits. The Minuteman II silos were not converted to Minuteman III launchers, and this fact is well known to the Soviet side. Indeed, the Soviets essentially acknowledged this when they agreed to the SALT II data base of 550 Minuteman III launchers, after the use of shelters was discontinued. If any launchers of Minuteman II ICBMs are converted to launchers of Minuteman III ICBMs, as some in Congress have proposed, they would be made distinguishable on the basis of externally observable design features, as required by the provisions of the SALT II Treaty.

4. SALT II: New Types

Soviet Allegation: The Soviet Union assets that the intention of the U.S. to develop two new types of ICBMs, the MX and the Midgetman, does not meet the "tasks of limiting strategic arms" reflected in existing agreements.

The fact: The Soviet assertion is false. Under the provisions of the SALT II Treaty, the Parties undertake not to flight-test or deploy more than one new type ICBM per side. The U.S. has informed the Soviet Union that the MX missile will be its one permitted new type ICBM. The SALT II Treaty does not prohibit research and development prior to flight-testing. The Soviet Union has many missiles, including ICBMs, in the research and development stage, but the U.S. has not accused them of violations on this account. The planned new, small U.S. ICBM is in the early research stages only; it is not constrained by SALT II provisions, since it will not be ready for flight-testing until after December 31, 1985, when the SALT II Treaty would have expired. The Soviet SS-X-25 ICBM, in contrast, began flight-testing on February 8, 1983, and while the evidence is somewhat ambiguous, as the President stated in this report to the Congress, is a probable violation of the Soviet Union's political commitment to observe the SALT II provision limiting each Party to one new type of ICBM, since the Soviet Union has informed us that the SS-X-24 will be its one new type of ICBM. Even if the SS-X-25 were not a new type under SALT II, it would violate the modernization rules for existing types.

U.S. need for a small, single-warhead ICBM was prompted by concerns that the Soviet ICBM force poses a threat to the survivability and, thus, to the deterrent value of the U.S. ICBM force. As a consequence of these concerns, and of substantial Congressional support for this option, the President's Commission on strategic Forces (the Scowcroft Commission), in April 1983, recommended that the U.S. initiate research immediately on a new small ICBM as a way to enhance stability and solve the problem of the long-term survivability of the U.S. ICBM force. The U.S. decision to initiate such research occurred after the first Soviet flight-test of the SS-X-25 ICBM. We have attempted in START to engage the Soviets in a discussion of ways in which modernization could be channeled so as to improve stability, for instance by developing a single-warhead ICBM, as the Scowcroft Commission has recommended. The Soviets have resisted such discussions.

5. The ABM Treaty

Soviet Allegations: The Soviet Union asserts that, "in clear conflict" with the ABM Treaty, the U.S.:

- —has deployed a radar on Shemya Island built with the use of ABM radar components;
- —has used shelters over ABM interceptor missile silos;
- —has undertaken to develop mobile ABM radars and space-based ABM systems;
- —is testing Minuteman I ICBMs to provide them with ABM capabilities; and
- —is developing multiple warheads for ABM interceptor missiles.

The Facts: These multiple charges are false. They include US actions which are not in conflict with the provisions of the Treaty, as well as false accusations about the kinds of activities the US has undertaken.

—The function of the radar on Shemya Island in the Aleutians is as a national technical means (NTM) of verification, as its location and orientation make clear. It also has an inherent secondary capability for space tracking and for early warning of strategic ballistic missile attack (BMEW). Like any large phased-array radar, it utilizes technology and some subcomponents which are applicable to phased-array radars generally (including ABM radars), but it is not an ABM radar. Even though it primary purpose is NTM and its location, therefore, is not restricted under the ABM Treaty, we would note with regard to its secondary BMEW role that, in conformity with Treaty limitations on BMEWs, it is located on the periphery of the US and oriented outward. It is on an isolated island approximately 1,500 km from the Alaska mainland and approximately 4,200 km from the northwest portion of the contiguous 48 states, a location that would be inexplicable if the radar were intended for an ABM mission.

—There were construction shelters over ABM silo launchers under construction in 1973–1974. Since these shelters were over silos acknowledged to be for ABM interceptor missiles, they did not impede Soviet verification by national technical means of compliance witht the numerical limitations of the ABM Treaty. In any case, their use was strictly for protection from the environment, hence did not constitute deliberate concealment, and it was discontinued in 1974 when construction was completed. The Soviet Union has been aware of these facts for a number of years. (In 1976, the US deactivated its only ABM system, located at Grand Forks, North Dakota.)

—The reference to mobile ABM radars may refer to concepts discussed earlier during consideration of various MX ICBM basing modes. Since the US decided to place the MX in Minuteman III silos, such concepts never even reached the research stage, and no development of mobile ABM radars has occurred. Concepts for space-based systems have been discussed, but no development of these concepts has occurred; the Soviet Union itself has for a number of years conducted far more intensive research and development on such systems than has the US. The ABM Treaty contains a provision for further discussion and agreement regarding restrictions on "ABM systems based on other physical principles," should they be "created."

—Two stages of the Minuteman I ICBM, but not the whole missile, were tested as part of a research program conducted in full conformity with the ABM Treaty. The test missile in question was observably different from Minuteman I, as were its performance characteristics. In any case, the Minuteman I is no longer deployed by the U.S.

—The US is not developing ABM interceptors with multiple warheads and has never pursued such a program.

6. The ABM Treaty: Pave Paws Radars

Soviet Allegation: The Soviet Union asserts that the US is deploying new, large Pave Paws radars on the Atlantic and Pacific coasts and in the South. It asserts that these radars have characteristics of the sort required for ABM radars and capabilities to provide a base for ABM radar coverage of US territory, and thus are contrary to the obligation in the ABM Treaty not to deploy ABM systems for defense of the territory of the country and not to create the base for such a defense.

The Facts: There is no merit whatsoever in the charge that US deployment of new, large, Pave Paws radars is contrary to the ABM Treaty. The US has two Pave Paws radars, one in California (Peale AFB) and one in Massachusetts (Otis AFB). Two more are being constructed, one each in Georgia (Robins AFB) and Texas (SW of Goodfellow AFB). All of these radars are for early warning of strategic ballistic missile attack (BMEW). As required by the Treaty, they are located on the periphery of our national territory and are oriented outward. Soviet radars deployed for the same function are far more powerful and capable.

7. ABM Treaty: Strategic Defense Initiative

Soviet Allegation: The Soviet Union asserts that the "large-scale ABM system," which the US announced it plans to develop, "if deployed, would go beyond the bounds" of the ABM Treaty and "would, in essence, work to undercut that Treaty."

The Facts: The Soviet assertion is false. The ABM Treaty does not prohibit research, and both sides have had research programs since the signing of the Treaty; and, indeed, for a number of years, the Soviet effort has been far more intensive than that of the US. The President stated in his March 23, 1983, speech that US activities in this area would be consistent with US treaty obligations. We have assured the Soviet Union both publicly and privately that the Strategic Defense Initiative involves only a research effort which will be carried out within the constraints of the ABM Treaty. This research effort will permit an informed decision in the early 1990s on whether to proceed with full-scale engineering development. If any of the concepts being researched proves feasible, if a viable option results, and if the US then decides to go ahead with engineering design and development, then the pertinent provisions of the ABM Treaty will be fully taken into account. In the longer view, if both the US and the Soviet Union find that technology provides sufficient assurance that defensive capabilities can provide for our own mutual security, it would be advantageous for both sides to enter into a new arms control regime. The ABM Treaty contains a provision for further discussion and agreement regarding restrictions on "ABM systems based on other physical principles," should these be "created."

8. The Standing Consultative Commission (SCC): Confidentiality

Soviet Allegation: The Soviet Union asserts that the US "systematically violates" the agreed principle of confidentiality in discussing questions concerning fulfillment of obligations on the limitation of strategic arms.

The Facts: The Soviet assertion is false. The US continues properly to discharge its obligations and responsibilities under the regulations of the Standing Consultative Commission. The US Government has remained committed to the agreed principle of confidentiality concerning the proceedings of the Commission and has not made public the proceedings of the Commission. The appearance of stories in the press about the SCC and possible subjects under discussion there does not reflect a US Government decision to violate the principle of confidentiality; rather it is merely a reflection of the operation of a free press.

9. Nuclear Testing: TTBT

Soviet Allegation: The Soviet Union asserts that the US, on numerous occasions, has conducted nuclear tests which have exceeded the limit established by the unratified Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and that the US is continuing to conduct such tests.

The Facts: There is no truth in the Soviet assertion. Since 1976, the year when the threshold provisions of the TTBT and PNET would have become effective, the US has conducted no nuclear tests having yields which exceeded the 150 kiloton threshold of these Treaties.

10. Nuclear Testing: LTBT

Soviet Allegation: The Soviet Union asserts that radioactive fallout from US nuclear tests has spread beyond national boundaries, in violation of the 1963 Limited Test Ban Treaty.

The Facts: Both the US and the Soviet Union have encountered some difficulty in totally containing all their underground nuclear tests. The US has had only a few problems in the past with the accidental venting of radioactive debris from underground tests at the Nevada Test Site (NTS). As more experience was gained with the containment of underground tests, venting from US tests became even more rare. Over the past decade, there has been only one incident of local, minor venting at NTS. Until now, the Soviet Union had not raised its concerns about US venting with us since 1976. In contrast, there continue to be numerous Soviet ventings involving dispersal of radioactive materials beyond Soviet borders and numerous US demarches to the Soviet Union protesting this practice.

11. Chemical Weapons

Soviet Allegation: The Soviet Union asserts that the US has avoided CW bilaterials, obstructed Conference on Disarmament (CD) negotiations, and refused to respond to the proposal for a European CW free-zone, all to enable the US to produce binary chemical agents and increase its CW stockpile "twofold."

The Facts: This Soviet assertion does not charge the US with noncompliance, perhaps because the US, in fact, is abiding by all obligations in this regard. The US has produced no chemical weapons for 15 years and the proposed US binary chemical weapons program represents merely a belated attempt to be prepared to counter the Soviet CW capability so that we can deter Soviet use of these weapons.

The CW bilaterals lapsed in 1980, due to Soviet intransigence on verification issues; US concern regarding the verification issue and insistence that it be addressed has been amply justified by evidence of illegal Soviet use of CW weapons since the late 1970s. Since then the US has consistently left open the possibility of their resumption, pending Soviet demonstration that genuine progress on verification and other outstanding issues is possible.

The US is widely recognized in the CD and elsewhere as making vigorous and constructive efforts to promote progress in the CD negotiations, and recently tabled a US draft treaty there. The US is committed to the elimination of all CW and to the conclusion of a complete, effective, and verifiable global CW ban. This commitment and US efforts to promote genuine progress toward such a ban in the CD negotiations are widely recognized and supported by our Allies, the other members of the CD, and the international community.

The US views the Soviet proposal for a European CW-free zone as a possible indication of renewed Soviet interest in concluding the global CW ban, which we are convinced is the only truly effective way to eliminate the worldwide CW threat. US CW modernization efforts are aimed at assuring US and Allied security in the interim until a global CW ban is concluded, and as an important incentive to the Soviet Union to undertake negotiations for such a comprehensive global ban. These efforts will not increase US stocks "twofold," as the Soviet Union has charged, but instead will give us a smaller and safer stockpile in the event we should ever have to retaliate against a Soviet chemical attack. It is the Soviet Union which must take concrete steps to convince the world that it is truly serious about CW arms control by working with the US and the CD to develop effective and mutually acceptable approaches to banning CW worldwide. In this regard, Soviet involvement in the use of toxins and chemical warfare agents in Laos, Kampuchea, and Afghanistan, does not inspire confidence that expressed Soviet interest in CW arms control is genuine or sincere.

12. Helsinki Final Act

Soviet Allegation: The Soviet Union asserts that, while the US, under the Helsinki Final Act, "assumed an obligation to participate in efforts aimed at reducing military confrontation and at facilitating disarmament," it has "in practice, in recent years . . . undertaken a whole series of actions which led to a sharp increase in the war danger in Europe. This, above all, concerns the deployment of new American first-strike nuclear missiles there, the creation of conditions for a substantial build-up of US forces in Europe, and the continued equipping of those forces with weapons of mass destruction—nuclear, chemical and others."

The Facts: The Soviet Union is falsely asserting that we have engaged in behavior of which it itself is guilty. The Soviet Union first initiated the modernization of intermediate-range nuclear forces in Europe in 1977 by beginning its sustained SS-20 missile deployments, and it, unlike the US, has greatly increased the number of nuclear warheads maintained there.

The Soviet Union apparently is referring to the deployment of US Pershing II and ground-launched cruise missiles which began late last year. (The 1979 NATO dual-track decision recognized the requirement to redress the imbalance in overall nuclear forces highlighted by the growing Soviet force of triple-warhead SS-20 missiles, either through deployment of US LRINF missiles or through a concrete arms control result.) The US sought during the INF negotiations which began in 1981 to reduce substantially, or, preferably, to eliminate all land-based, longer-range INF missiles on a global basis. Pending unilateral Soviet reductions in LRINF deployments or a negotiated solution, NATO counter-deployments strengthen deterrence and hence reduce rather than increase the danger of war. The Soviet Union broke off the INF negotiations last year and has refused to return to Geneva.

The NATO force modernization programs envisioned for the European theater are in response to an unprecedented buildup and modernization of Soviet conventional and nuclear forces. The deployment of US Pershing IIs and GLCMs is in particular a response to that unprecedented buildup of which the most obvious example is the deployment of Soviet SS-20 missiles. The Soviet Union began deploying SS-20s in 1977 and to date has deployed 378 missiles (over 100 missiles during the course of the INF negotiations) with over 1,100 warheads, or almost double the potential NATO deployment total of 572.

Moreover, the Soviet charge obviously lacks credibility in light of the large reductions in the total NATO nuclear stockpile in Europe. The US will withdraw 1,400 nuclear warheads over the next five years, in addition to the 1,000 warheads already withdrawn as a result of NATO's 1979 decision. Additionally, for each Pershing II and GLCM which is deployed to Europe, the US will withdraw one nuclear warhead from its European stockpile.

The United States limited chemical weapons retaliatory capability in Europe is intended to deter the use of the extensive arsenal of Soviet chemical weapons until an effective and verifiable global ban on all chemical weapons can be achieved.

13. Helsinki Final Act: Exercise

Soviet Allegation: The Soviet Union asserts that the US every year stages "enormous" exercises, and that "mere notifications of those exercises without reducing their scope do not eliminate the dangerous character of such actions."

The Facts: The United States military activities are completely in accordance with the provisions of the Final Act.

We and our Allies notify all exercises which exceed the threshold of 25,000 troops established by the Final Act, and often notify smaller-scale military maneuvers, as a voluntary effort to strengthen mutual confidence.

We regret that the Soviet Union has not always reciprocated. Not only have the Warsaw Pact nations generally declined to provide voluntary notification of any exercise which did not reach the 25,000 troop threshold, as the President's report to Congress on Soviet Noncompliance indicated, but the Soviet Union, in a clear cut failure to comply with the Final Act, did not adequately notify the exercise Zapad 81, which involved some 100,000 troops.

Mr. PERLE. There is a pattern to the Soviet allegations of violations that tracks rather closely with the concerns that we have raised. I rather suspect that if we had never raised questions about Soviet violations, they would never have raised the kind of questions they have been raising alleging American violations.

They have tended, in response to what we have to say to them, to raise frivolous issues, often paralleling the same area of concern that we have expressed to them.

I think they regard this as a natural part of the political response to the questions that we have raised.

Senator HART. So, in your judgment, there is no gray area in any of the treaties where they could plausibly or even possibly have legitimate claim about any practice of ours that might be of concern to them?

Mr. PERLE. That is right.

As a matter of fact, there are examples one could cite of behavior by the United States in which we have interpreted treaties in a strict manner and the Soviets in a rather loose manner, and for years they have behaved with respect to those provisions in a loose manner and we have behaved in a strict manner.

Let me give one striking example. It is our view that the atmospheric test ban prohibits the venting of radioactive material, both gases and particulate matters, into atmosphere that travel beyond national boundaries.

We have at great expense taken precautions to assure that when we test nuclear weapons underground, the tests are conducted at such depth so that there will be no venting of radioactive materials.

The Soviets have almost from the beginning of the atmospheric test ban vented radioactive material which has traveled across their borders.

We have delivered something like 25 or 30 official protests to the Soviets over this interval of many years protesting these violations. Yet we have continued to observe the standard on which we insist and which the Soviets reject.

So, if anything, it seems to me there is a pattern of our restraining ourselves beyond the degree to which the Soviets are prepared to acknowledge that the treaties require that they restrain themselves.

It does seem to me that one of the things that we ought seriously to consider in response to this pattern of Soviet violations is, ideally with the Congress declaring support, that we not be bound to a standard of compliance and interpretation different and more demanding on the United States than the standard of compliance and interpretation that the Soviets permit for themselves.

We have permitted a double standard to exist in which we take a very narrow view of what the treaty permits us to do and we hue to that standard while the Soviets through their actions in some cases and even in words have rejected that very same standard and they adhere to a different and more accommodating standard from their point of view.

Senator HART. I think you will agree also on SALT II there were areas of that treaty that we ourselves wanted for our own purposes.

So, the suggestion that we have sought a black and white world and they have sought a gray world is, I think, a little oversimplistic.

Mr. ADELMAN. That is true. There are those areas where we both wanted a black and white world. Krasnoyarsk is a black and white world.

Let me follow up on the last question to Richard and say I would suspect if the Soviet Union were watching, which they are, for possible American violations, they might be the last people to report such violations.

I would think our free press, our congressional investigators, you know, certain "public interest" groups around the United States would love a story that the United States was violating, the Reagan administration was violating an arms control agreement. That would be on the front page of every major newspaper, I would think, and "Aviation Week" would give you pictures of it and diagrams of exactly how.

So, I think we have in our society those watchdogs and I think it is a good thing.

Mr. PERLE. Senator, I don't mean to be argumentative about the point you made. I would prefer ambiguity in the context of the SALT II Treaty. I think the record will show where there is ambiguity in the SALT II Treaty, itself, if not in every instance, I can't think of an exemption, in almost every instance it is the result of the Soviet's unwillingness to agree to precision.

We are now looking back at ambiguous provisions in the SALT II Treaty and for that matter, the SALT I Treaty, particularly the SALT I Treaty, ambiguous provisions that are in the treaty in an ambiguous form because the Soviets would not agree with the precise formulations we initially posed.

Those ambiguities happened to track rather well with areas in which the Soviets have exploited that ambiguity and proceeded with programs that we believed and hoped they would feel constrained to proceed with.

Encryption is a good example. We sought a very clear limitation on encryption. In the end we were unable to get a limitation. Because we desired an agreement, even an agreement that did not adequately protect us with respect to the encryption of telemetry, we settled for a formulation that has permitted the Soviets to carry on encryption, although I think it is fair to say they have now gone beyond the freedom that the ambiguity entitled them to, to include encryption that we believe is totally in violation.

Chairman GOLDWATER. Senator Thurmond.

Senator **Thurmond**. Thank you, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that my statement appear in the record.

Chairman **Goldwater**. Without objection.

[The prepared statement follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, today's hearing is one of the most important sessions that this committee will conduct during the 99th Congress. The Western democracies have placed great faith in the arms control process, but I am very skeptical about entrusting our security to the good will of our adversary.

There seems to be a feeling in the West that the arms control agreement with the Soviets will reduce tensions and slow the arms race. As evidence mounts that past agreements have done nothing to increase our security and may in fact have provided the Soviets further opportunity to gain a military advantage over us, it is crucial that we review in detail past Soviet violations and our ability in the future to verify any agreements that we enter into with the Soviet Union.

Mr. Chairman, we all remember the euphoria over SALT I and the ABM Treaty. Many believed that Soviet behavior would be less agressive and less belligerent, but that has not been the case. The pressure is again building for the United States to be "flexible" in the negotiations. If history teaches us one thing, it is that flexibility is often used as another word for appeasement. Thank you, Mr. Chairman.

Senator **Thurmond**. Mr. Perle, 20 years ago we had no peace movement, I believe, when the United States was ahead in nuclear power and had the advantage. Now the Soviets are forging ahead.

I am just wondering how you reconcile this. The peace movement now seems to be becoming rather aggressive in West Germany and some other places.

Mr. **Perle**. There is no doubt that there is a level of anxiety in the democracies of the West at what is perceived to be an upward spiraling of the number of nuclear weapons in the world.

The peace movement, Senator Thurmond, I think consists of two parts.

There is that part of the peace movement that is owned and operated by the Soviet Union. The World Peace Council is a good example, the World Peace Council and its many affiliates in the countries of the West. That is entirely under Soviet control as an instrument of Soviet policy. It is aimed at encumbering the defense programs of the United States and its allies.

Beyond that there is a peace movement that is entirely indigenous in each of the democracies of the West that I think is sincere and sincerely motivated and it reflects this anxiety about nuclear weapons.

The anxiety is based on a misreading of the situation in my view. We have 8,000 fewer nuclear weapons today than we had 20 years ago—8,000 fewer nuclear weapons.

If you listen to the rhetoric of the peace movement, you would believe that we had been piling weapon upon weapon. There have been a lot of additions to the world nuclear arsenal in the last 20 years, but they are on the Soviet side and not on the United States side.

Senator **Thurmond**. If the United States had a favorable advantage in nuclear weapons today as it had 20 years ago, do you think we would be hearing from this peace crowd?

Mr. **Perle**. I think that part of the peace movement that originates in Moscow would certainly be active. I am inclined to think we would have a peace movement even if we had an advantage.

Mr. **Adelman**. We did in the 1950's. We had waves of recurrent concern about the nuclear issue.

Senator **Thurmond**. It was not as aggressive as it is today.

Mr. Adelman. I think there are waves. I remember there were waves in the 1950's on the amount of strontium in milk under the test ban. It dies and comes back.

The best I can explain as a theology and philosophy major in school is that every decade people in our society have to face the nuclear issue. They do this and they work it out and understand that it is a tremendous human dilemma to be in.

Senator **Thurmond**. Mr. Adelman, when did you discover the construction of the Soviet radar that is in violation of the ABM Treaty?

Mr. **Adelman**. We uncovered the radar in the summer of 1983.

Senator **Thurmond**. At what time was this radar begun in the Soviet Union?

Mr. **Adelman**. As I said, in the mid or even early 1970's.

Senator **Thurmond**. Thank you very much.

Mr. Adelman, is our technological capability improving so that we can more quickly determine treaty violations?

Mr. **Adelman**. I think our technological capabilities are improving. I think the problem is getting worse, however.

As I said at the opening, this is due to five factors that I will review very quickly.

First, Soviet violations that make us more aware of it.

Second, the measures we are trying to control through arms control are measures more difficult to verify even though they are more strategically important.

In shorthand I will give you the example of throwweight and warheads being more difficult to verify than launchers.

Third, Soviet [deleted] information denial practices are growing.

Fourth, the weapons systems on both sides are getting smaller and more mobile, the SS-X-24 and SS-X-25 on the Soviet side and cruise missiles on our side.

Fifth, we are trying for deep reductions in arms control which makes us more cautious than those kinds of treaties that Richard Perle mentioned that leave the numbers at very high levels.

Senator **Thurmond**. Thank you.

Mr. Perle, what, in you opinion, is the most serious pitfall in an arms reduction agreement with the Soviets?

Mr. **Perle**. I think it is the false sense that we can protect the security of this country and our allies simply through arms control.

Whatever the virtues of arms control, they are not a substitute for sufficient strength to deter. The notion that arms control is rather more important than defense, which a poll in Europe a year ago revealed to be the opinion held by the majority of the respondents, that I think is a very dangerous notion.

And to accept the proposition that arms control is a substitute for defense, I think would be a most serious pitfall. We have to do it with our eyes open in the realistic sense of its limitations and its futility.

Senator **Thurmond**. In view of the short time, I will conclude.

Chairman **Goldwater**. Senator Nunn.

Senator **Nunn**. I would prefer some of my colleagues proceed.

Chairman **Goldwater**. I think Senator Glenn was the next man in.

Senator **Glenn**. Thank you, Mr. Chairman

I was running through this sheet we were just given here on Soviet noncompliance with arms control agreements.

Have all of these been fielded before the SCC?

Mr. **Adelman**. Yes. All of the ones that we announced in the unclassified report have, I think it was, 2 weeks ago.

There are some issues in the classified report that [deleted] we have not raised with the Soviet Union. We did not have a specific finding on them, but we wanted to say this is something to look at. Those have not been raised yet with the Soviets.

Senator **Glenn**. One of the things I have been concerned about is that we make certain when we field these things that they are absolutely locked in concrete so that we can really lower the boom on the Soviets and there is no doubt in world opinion about what is going on. I think that is important.

If it looks like we are putting out things that are dicey at best, then we weaken our own position when we have something that we can nail them to the wall with.

I was going through these. The Biological and Toxic Weapons Convention and the 1925 Geneva protocol, I think we have some pretty good evidence on some of that.

The next one, the Helsinki Final Act, that is relatively minor. That was notification of military maneuvers. They have charged us with this in the past and we may have been guilty in the past.

Is that correct?

Mr. **Adelman**. That I don't believe is true. That is a one-time episode that was on the eve of the Polish crackdown. They did not notify us of the troop movement.

Senator **Glenn**. The SALT I interim agreement, both of the statements on there say that Soviet activity at two former ICBM bases does not at present violate the agreement.

The second part also says the Soviet Union's conversion of the dismantled SSBN into something is not a violation of its agreement.

Mr. **Adelman**. We wanted to do this because the question has been raised, and there has been concern by some including the U.S. Senate, on this issue.

So, just to cover the issues and to do a thorough job for the committee and the Senate, that just shows we were not hunting for violations.

Senator **Glenn**. I agree the title of this is Soviet Non-Compliance with Arms Control Agreements.

The SALT II Treaty—I agree exactly with what you are saying as far as encryption goes—it still comes down to the fact from the Soviet standpoint we never ratified that.

I was in the middle of the SALT II debate think, as you may recall.

Mr. **Adelman**. [Deleted.]

That is not the argument they have used. They have discussed SALT II with us because they feel they have a political commitment to abide by SALT II.

Mr. Gromyko told General Haig neither side would undercut SALT II as long as the other side showed restraint. They are not taking the position that SALT II, being unratified, is not binding on them in terms of the political commitment.

Senator GLENN. SALT II has always been a big question mark as to whether we could go to the SCC and say this is it when we never approved it.

Mr. ADELMAN. The Soviets have been clear that it is a legitimate area to raise concern.

Senator GLENN. Under the ABM Treaty the large phased array radar that is under construction, the Krasnoyarsk radar, once again we just presume that that is for ABM purposes.

I don't know how we presume that. I have looked at that, I have read everything I can read about it. I think it possibly could be used for that, but I don't see it as a violation of anything. Let us say there were no ICBM's. Let us say there were no ICBM's.

Wouldn't this type radar be just as useful for air defense and things like that?

Mr. ADELMAN. [Deleted.]

Senator GLENN. It would only be useful against ICBM's?

Mr. ADELMAN. [Deleted.]

Senator GLENN. You don't think it is useful for air defense?

One of the main characteristics of it, as I understood it, was its capability to handle many more targets at the same time. [Deleted.]

Mr. ADELMAN. Plus, isn't it true that they have ICBM's and SS-20 types near the radar itself?

Second, Senator, there are other Soviet space tracking capabilities in the neighborhood there. So, this is redundant. [Deleted.]

It is near where you would want to put a battle management radar.

[Deleted.]

Senator GLENN. The Limited Test Ban Treaty is here and Richard remarked about the radioactive material getting out. That is one we have had repeated problems about, the Threshold Test Ban Treaty, a likely violation.

Have we ever pursued in recent times placing remote control monitors over there? They even came over here and checked our equipment we designed at Sandia for them.

Mr. ADELMAN. That is what the President offered at the United Nations in his speech last September, that the Soviets send a group to monitor our tests and we send a group to monitor the Soviets in order to get off the dime on nuclear testing.

The Soviets have not responded in a positive way to that offer, but that is exactly what we had in mind.

Senator GLENN. Thank you, Mr. Chairman.

Senator THURMOND [presiding]. We will let Senator McClure go ahead.

Senator MCCLURE. Thank you very much. I appreciate the courtesy of the committee in allowing me to be here. I certainly don't want to preempt the members of the committee on their time, but I want to pursue this matter with which I am very much concerned.

Mr. Secretary, you said a moment ago that in your opening statement I believe that while we detected marginal violations, they have not really done much to change the balance of military power.

At the same time you express concern that [deleted].

Mr. **Perle**. I tried to draw the distinction between the short term of military consequences and the longer term.

With respect to the violations of the ABM Treaty of which the radar presently at Krasnoyarsk is the most prominent violation, there is a real possibility for a significant change in the military balance between us.

In the aggregate some of these other violations are not inconsequential. Because the treaty, itself, affects forces only at the margin, violations of the treaty also affect forces at the margin.

[Deleted.]

Senator **McClure**. I think you are right. If you look at why they have not complied with limits on vehicles, they may have 500 over the ceiling. Five hundred over the ceiling doesn't matter much when you look at the total numbers that we have, but when you put that together with other actions such as the development of a new missile system, the development of an ABM system, certainly the radar is more important in terms of the philosophy of deterrence than it is with respect to whether they have a battle management radar per se.

The whole basis of the ABM Treaty was that it was a part of deterrent policy. It says we are not going to have a defense, we are going to expose the population on both sides to destruction. Therefore, we will have no real defense against them.

That becomes important when you look at the question of whether or not we are going to have a strategic defense initiative because that also is contrary to the philosophy of mutually assured destruction.

If they are going to have a development of an ABM system, then they should not have an argument against the development of our system.

I suggest that if they really don't want us to develop SDI, then dismantle the Krasnoyarsk radar or at least stop construction.

Mr. **Adelman**. They don't want us to have SDI while they pursue research.

Senator **McClure**. I am concerned because later this spring we are going to run into one of those dismantlement questions ourselves.

While it is a different provision of SALT II that will mandate the dismantlement of the Poseidons, nevertheless, they have violated other provisions of SALT II in ways that are as threatening to us as the maintenance of the Poseidon missile.

I think it would be fair and I think our friends who take a different view will be quick to point out that even though they have violated certain provisions of the treaty, they have also complied with certain respects of the treaty.

They have dismantled weapons systems. They have had partial compliance.

Mr. **Perle**. They have complied where it is convenient to comply and they have not complied where it is inconvenient to comply.

I would hope that as we face questions of dismantlement we will bear in mind the danger of permitting a double standard.

Senator McClure. I just want to read one section in your classified report. On page roman numeral IV, the latter part of that paragraph says:

> It is essential that all parties to the agreement fully comply in strict compliance with all provisions of arms control agreements. It is fundamental that the U.S. Government will not accept anything less.

I am informed that a spokesman for the State Department made a somewhat different statement on June 24, 1982, concerning the dismantling of the 500 intercontinental missiles and bombers over their limits, and I quote:

> If one were to adhere to the Treaty, we would be requiring the Soviets who now have reduced to continue to reduce and we are not requiring that. So, we are not requiring that they adhere to the Treaty. They said they are not bound to it.

Is there more than just an apparent conflict between those two statements?

General Chain. I am from the State Department, sir. I don't know who said that in 1982.

The SALT II agreement dealt with the SNDV count—strategic nuclear delivery vehicles—which was 2,504 at the time of signature.

Subsequent to that time the Soviets have taken down systems so that their operational strategic forces have remained close to or within SALT limits as has the United States.

I don't know why in 1982 someone would say we are not holding them responsible. We are holding them responsible today and I can't believe that at any time in our history we didn't hold them reponsible.

Senator McClure. As a matter of fact, we did know, if the quotation I have made is an accurate reflection of the statement, of the policy of the Government in 1982.

General Chain. It has to be a misstatement because it is not the policy of the Government to not hold them responsible. They have fairly well held themselves to the numbers.

Senator McClure. The reason I ask that question, if indeed we made that statement as reflective of a policy that was indirectly or directly communicated to the Soviet Union, it would give them some reason to say, "Hey, wait a minute."

Mr. Adelman. Senator McClure, I think there is substance to this whole business of the no undercut policy.

The substance is that the United States and the Soviet Union agree not to undercut the provisions of SALT II. Some of those provisions like the SNDV limitations are for reduction in the overall number starting at the time of ratification of SALT.

We have not and the Soviets have not agreed to positive reductions prior to ratification. We have said that there cannot be a rise in the number from the level at the time when the commitment not to undercut takes place.

So, that is the difference in total adherence and no undercut.

Senator McClure. So, our policy is don't undercut, but total adherence?

Mr. ADELMAN. That is right, because there are some of those provisions for reductions after ratification that are not in place.

Mr. PERLE. To be clear, the only provision that we have not insisted upon in the context was reciprocal, that we would not violate the agreement as long as the other side did the same, which is the reduction down to the level of 2,250.

Senator MCCLURE. Finally, Mr. Chairman, it seems to me that you are much more [deleted] than I have seen before.

Am I correct?

Mr. ADELMAN. Classified as opposed to the unclassified?

Senator MCCLURE. Yes.

Mr. ADELMAN. Yes.

Senator MCCLURE. Isn't that a tremendously threating development if true?

Mr. ADELMAN. Yes.

Senator MCCLURE. It has very large military significance against troops on the battlefield, against civilian populations?

Mr. ADELMAN. Enormous. I believe that this committee and the others interested in the subject should get hearings [deleted] on the subject. It is a frightening prospect.

Senator MCCLURE. Than you, Mr. Chairman.

Senator THURMOND. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

Mr. Chairman, as a result of the publication of these violations and your contacts with any of the Soviet officials, has there been any action taken by the Soviets to remedy these alleged violations?

Mr. ADELMAN. Neither their behavior nor their actions over the last 2 years have been sufficient to allay our concerns.

Senator KENNEDY. In any of these areas you have pointed out?

Mr. ADELMAN. Yes. In the toxin weapons area, as I mentioned, the last year and a half until very, very recently, and that is improbable, but the last year and a half there has not been any confirmed use of toxin and chemical weapons.

On Senator Glenn's questions about the Helsinki notification, that seems to have been a one-shot affair in 1980 on the verge of Poland.

Senator KENNEDY. If I can just continue, it seems to me that we are getting the worst of all worlds. The administration is complaining about the violations that we have spoken of here this morning. Because of these and public statements by the administration of these violations we are not getting any corresponding actions by the Soviets in terms of compliance.

Yet we are complying ourselves with the 1974 and 1976 SALT II Treaties.

So, we are complaining about this. Yet we are not getting any corresponding action by them. We are not getting the benefits even though we are observing those treaties which we might otherwise have gotten in terms of additional kinds of information in the 1974 and 1976 SALT Treaties.

So, we are getting the worst of that world. And by constantly pointing out to the American people that these alleged violations are undermining, it seems to me the possibility of achieving that the administration has outlined as its goals, and that is a treaty that will be consistent with the security interests of the United

States, also be verifiable, there are those who think that with the constant publication of these kinds of allegations that there are those within the administration who would just like to undermine the possibility of reaching any kind of agreement.

I am just wondering what useful purpose does it serve?

Do you believe it serves other than informing the Congress of this kind of information without being able to evidently get any progress whatsoever?

It seems to me that dealing with the Soviets, if you are going to deal with them effectively, you ought to expect some effective action.

What the administration is doing is showing these allegations and not getting any action.

Mr. ADELMAN. Let me say that there are elements of what you say I agree with and some elements that I don't agree with.

One of these is that we have seen some change in Soviet behavior.

A lot of people in Southeast Asia have not been slaughtered in the 2 years because of the Soviet nonuse of toxin weapons. That is a relief to us because it was a barbaric practice they were engaged in in Southeast Asia.

Second, these two reports were done at a congressional mandate. They are part of the law to report to the Congress. So, it is not a question of our witch hunting on this.

The third point I would make is all these issues where we have had findings we have discussed in private with the Soviet Union. We have done that.

Senator KENNEDY. Prior to the time that it was——

Mr. ADELMAN. Prior to the time we reported to you.

Senator KENNEDY. Can you provide the committee with the documentation of that?

Mr. ADELMAN. Yes.

[The documentation is classified and retained in committee files.]

The reports are voluminous and the number of hours that these issues have been discussed are many.

[Deleted.]

Last, let me say that the alternative to this worst of all possible worlds that you paint is to shove the record of Soviet noncompliance under the rug. I think to be serious about control is to be serious about noncompliance.

Senator KENNEDY. I agree with that, but you have not been able to show results by this. I would hope you would be able to show results through effective bargaining.

What we have seen evidently is that we have had these violations and you have not gotten these results.

Frankly, going into the negotiations they are going to say, my God, if we have been violating there, the United States publishes these and then really doesn't do very much about it, so let us get on with the next negotiation. Maybe we can go ahead and continue to violate. What they do is issue press releases and complain to the Congress and don't do much about them.

Mr. PERLE. That is our concern, the inability to secure compliance is almost certain to lead to continuous non-compliance. We could use some help on this.

I would say that our not commenting on Soviet violations would damage prospects for arms control. If we were to remain silent in the face of these violations and carry on the negotiations, neither recognizing or learning from the experience, that would be a real danger.

Senator KENNEDY. Let us take, if we can, the reports in here, the Threshold Test Ban treaty, the President's statement talking about the likely violation of legal obligations under the Threshold Test Ban Treaty of 1974.

As I understand, that is a position that has been taken by one of the laboratories. That has been taken by Los Alamos, but the Livermore Laboratory does not agree with that conclusion.

As I understand your own research, DARPA has a preliminary paper.

What conclusions did they come up with?

Mr. ADELMAN. There is an enormous number of scientific investigations.

Senator KENNEDY. What conclusions does DARPA come to in their working paper?

Mr. ADELMAN. I don't know at this time. There are a large number of groups working on this.

Senator KENNEDY. They have a paper that they agree with the Livermore Laboratory that they could not find evidence to justify this kind of statement in terms of violations of the 1974 and 1976 treaties.

Mr. ADELMAN. I know that there are scientific groups——

Senator KENNEDY. Your own group. You know DARPA?

Mr. ADELMAN. I am saying there are scientific groups in the Government who think that the position you described is wrong.

Senator KENNEDY. There is your own group that is set up to advise and in the first working paper they take issue with the position that you have taken here as your own Livermore Laboratory has.

Mr. PERLE. There are a number of expert groups of which DARPA is one. There are a number of experts and they disagree on the nature of the evidence.

One of the points we have sought to make, Senator, is that it is precisely in evidence of disagreement which has led us to conclude this treaty as it now stands is not verifiable with the means of verification that we have available to us which is why we have gone to the Soviets to propose that we renegotiate the verification.

Senator KENNEDY. Why in the world do the Soviets agree to negotiate when we are conforming with it? What is the possible logic of that?

We are conforming with it. You say they are violating it. Why in the world would the Soviets possibly think it makes any sense to go to the negotiations table on it?

Mr. PERLE. That is a fair question and a rather better formulation than I had a moment ago, the idea that we must not permit a double standard to develop.

I hope we will take from that question that you agree with that.

Senator KENNEDY. Let me ask you, is the administration prepared to find any areas where there can be some interim agreements prior to the outcome of the final negotiations of these arms control talks?

What is basically your strategy of moving into it?

One, you would try to find an area where there can be interim agreement or do you exclude that possibility?

Mr. **Adelman**. We are looking for a process in the arms control regime and we are looking for arms control that makes a real difference in reductions and verification.

When you use the phrase interim agreement, I presume you are meaning a more short term kind of arrangement.

What we are looking for is an arrangement that will endure and will make progress in arms control. I don't think anything has been included or excluded at this time.

Senator **Kennedy**. My time is up.

Senator **Thurmond**. We have about 40 minutes left until we have to go to the joint session. So, we are not going to go into an open session today.

Senator Wilson, you are next.

Senator **Wilson**. Thank you, Mr. Chairman.

To pursue the line of questions that Senator Kennedy has pursued and also I think your double standard, as you mentioned, Mr. Perle, is it too great an oversimplification to say that while we should continue to negotiate as required for our own advantage, that we could also take a parallel track and make clear to the Soviets that we will not agree, we will not ratify any new agreements until they have cured their previous compliance problems?

I think the logic that Senator Kennedy has suggested is that they are getting a free ride; it is to their advantage to see us enter into agreements and comply with agreements and all we seem to be doing is announcing that there are violations.

There is logic to the question, there needs to be some pressure applied to them and I agree with that.

Mr. **Perle**. My answer is that in the positions that we have tabled in Geneva we will inextricably link compliance with the conclusion of any new agreement.

Mr. **Adelman**. I guess I would differ with Senator Kennedy in that I wouldn't restrict the United States in the future if the Soviets comply with certain things that they are violating now, they show a pattern that is more hopeful, and we come to a good bargain in arms control, I would not restrict us from entering into that bargain, although with our eyes open.

I would think if President Reagan were to announce today we are never going to submit any arms-control agreement to the Senate for ratification before all these violations are cleaned up 100 percent to our satisfaction, that a lot of people around the country, including the Senate, would criticize him as not being sincere about arms control.

Senator **Wilson**. Senator Kennedy and I at least feel, at least I infer that from the logic of his question, that there is no point in our abiding by the tactics we have described, the double standards. If these are serious violations, and I think that is perhaps the important point made, if the Soviets noncompliance is dangerous, it is a real threat, then I think you would find the Members of the Senate and society generally agreeing that in engaging in further agreements that can be violated with inpunity would be a great mistake.

Now, that is not to say that they don't want arms control because we all do. You do and the American people do. But they do not wish to be deluded in thinking that they have security when in fact it is false security.

In that connection, Mr. Perle, your response to this point is trying to build compliance into the present negotiations when you go to Geneva in March.

To what extent are you able to do that?

Technologically are there not areas, particularly in those related to the strategic events and to antisatellite technology, that make compliance verification very, very difficult if not impossible?

Mr. PERLE. Senator, in those areas where we have no confidence in our ability to verify compliance I don't think we ought to make proposals.

Something as prominent as the Krasnoyarsk, I think we are on good grounds in asking the Soviets to dismantle.

Senator WILSON. Do you anticipate the Soviets, knowing that certain things are not susceptible to verification, will as a public relations ploy, table proposals in Geneva that they have no intention of complying with and they can escape detection?

I would expect that from the pattern of previous conduct.

Mr. Chairman, I think this is important. To the extent that we do not violate security in a way that threatens any of our operations or which threaten the diminution of any intelligence, would we not be better off getting the maximum of public knowledge on the subject of the Soviet noncompliance?

What we have discussed this morning really are questions of strategy as well. I think that the American public doesn't know the evidence on noncompliance. I think until they understand that Soviet noncompliance is dangerous to our safety, that they will simply be ambivalent or make no response whatsoever.

I really think that the only way we can have assurance about achieving results that are worth achieving is providing the Soviets with an incentive to bargain and as part of that have the kind of public support that is necessary for your driving a hard bargain.

Mr. ADELMAN. I totally agree with you. Let me say if you look in terms of political science, what we used to call content analysis, of how much time is spent on the subject of compliance in the addresses given on arms control around the country by leadership, I would say that the amount of time is very, very small. So, that is partly a leadership problem.

I know that I came from the Conference on Disarmament where I gave a talk before the 40-nation U.N. body last week and talked about compliance. The Soviets were not upset in the least. I had lunch right afterward with the Soviet Ambassador. We talked about chemical weapons, we talked about a variety of measures in the CD. But the allies were very much upset.

They were upset that I mentioned noncompliance. I submitted the President's unclassified report as a U.N. document.

The allies came to me and I said I had a 2-hour lunch with the Soviet Ambassador, he never brought up the subject because they knew what their behavior was and they knew what our response to their behavior was because we had told them through private diplomatic channels.

In part it is due, as we discussed before, to the allies reluctance in this regard, but in part our own leadership does not really pay enough attention or make enough notice about Soviet noncompliance, which if you look at the whole horizon of arms control issues, is what I would consider the dark shadow of arms control.

Senator THURMOND. Let me answer the question, since it was directed at me.

I would like to have an open hearing on this subject.

I had hoped to get this meeting through in time to open the doors for 1 hour, but that is not possible. We didn't expect the Prime Minister from Britain to be here.

Senator WILSON. That is not your fault.

Senator THURMOND. I think we have to be patient and finish this closed meeting and then if it is the wish of the committee that we have an open hearing, we can talk about that.

Senator WILSON. Mr. Chairman, I would ask the committee to consider seriously that request. I will make a request that we have a subsequent open hearing on this subject.

Mr. ADELMAN. We would welcome that for our part.

Senator THURMOND. We are starting our hearings on the authorization bill and if we can find a day where we can discover an hour or two, we will try to set such a hearing up. I have no opposition to this at all. I think this subject is very, very thoroughly discussed in the American press and on American television, but I do feel we should have a little more knowledge for some of our people.

I will be very happy to see what we can do, however, I cannot promise at this time.

Senator MCCLURE. I have written the President asking that we look at the question of classification of classified reports and make as much information available to the public as we can.

I share Senator Kennedy's concern that we talk about it and do nothing and receive nothing and it may be counterproductive. I think we must take that risk in order that the American public may understand what is in front of us.

Maybe by declassification we can do almost as much as we can do in an open hearing.

Senator THURMOND. I am glad you wrote the President.

Senator WILSON. Mr. Chairman, I will say that I think it would be advantageous to the members of the committee and the Congress as a whole and the public if prior to the resumption of the negotiations in Geneva some of the same concerns that have been aired this morning were aired in public. I think we could probably count on ample coverage.

Senator THURMOND. We will do our best. You have to keep in mind that this really falls under the interest of the Foreign Relations Committee and our major interest in this is the military implications that might fall out.

We have to be careful about that.

Senator BINGAMAN. Mr. Perle, in your testimony here, which I don't believe is classified, at least there is nothing on it to indicate that, you have several statements summing up your view on the past violations. You say that:

> The Soviets have proven remarkably adroit—

This is on page 8 of your testimony—

> at exploiting ambiguities in arms control agreements * * * In doing so, the Soviets have not hesitated to mislead us deliberately * * * in order to achieve their purpose.

You say:

> They care nothing for the spirit of agreements, and, when it suits their purpose, little more for their letter.

In light of that, isn't it unrealistic for us to expect success from the talks in Geneva?

What you are saying here and what Mr. Adelman is saying do not square with expectations that seem to be abroad in my mind, given the accuracy of your point of view.

Mr. PERLE. Senator, I believe that the Soviet Union in its behavior can be compared, as my old boss, Scoop Jackson, used to compare them, to a hotel burglar. He goes down the corridor trying all the doors until he finds an open door and in he goes. If he finds the door is locked, there is no burglary.

If violations are free and independent, there will be violations. If we can build a structure in which there are costs associated with those violations, we can contain the violations.

The question is really can we fashion the proposal and mobilize support in the Congress and in the country for a policy that will put locks on those doors that will associate costs with the violations?

I believe we can.

Senator BINGAMAN. Aren't you saying that if there are open doors or loopholes in agreements, the Soviets will exploit them and if there aren't loopholes in the agreements, the Soviets won't sign them and, therefore, any agreement that the Soviets are willing to sign isn't worth having?

Isn't that basic to your position?

Mr. PERLE. I would not take it that far, although I think it is fair to say some of the most egregious proposals in past treaties were negotiated deliberately by the United States in order to get an agreement.

That is, we press the Soviets for unambiguous constraints that they were not prepared to agree to and in order to get an agreement, because an undue priority was placed on getting an agreement, too little attention was paid to its contents, we were prepared to join in an ambiguity that laid a foundation for subsequent Soviet exploitation.

I hope we are not going to continue to do that. This administration has tried very hard to avoid it. It makes it harder to get agreements. That is one of the reasons why we didn't get an agreement in the first term of this administration.

Senator BINGAMAN. Have we ever negotiated an agreement that didn't have unlocked doors that could be exploited?

Haven't the Soviets refused to sign any such agreement with us historically?

Mr. PERLE. I think the ABM Treaty was signed by the Soviets because it was in their interest at that time to halt the deployment of antiballistic missile defense systems that the United States was capable of proceeding with.

That treaty is relatively free of ambiguity. There are some ambiguities in it. We might have done a better job of sorting those out.

Senator BINGAMAN. It is your position that they have violated?

Mr. PERLE. They have violated.

Senator BINGAMAN. Either it has ambiguities that they have exploited or they have plans to violate it and do so. One way or another we cannot get agreements with them that are unambiguous and that they do not in fact violate; is that your position?

Mr. PERLE. That is a very gloomy prognosis. I think it is a fair reflection on the past.

Senator BINGAMAN. You are speaking since the revolution in 1917 in the Soviet Union. There are no exceptions to that, are there?

Mr. PERLE. I would hesitate to be that categorical.

Senator BINGAMAN. Maybe you can cite me an exception.

Mr. PERLE. In the last 15 years or so since SALT I. It is fair to say that the agreements resulting from that process have had ambiguities that the Soviets exploited or have violated. That is a fair statement.

Senator BINGAMAN. What would your prognosis be on the chances for something successful coming out of the Geneva talks?

Mr. PERLE. That will depend entirely on whether the Soviets will eventually calculate that their interests are best served by agreements that constrain their forces and ours and that are structured such that the costs of violation are higher than the benefits of violation.

If we can negotiate such an agreement, then I would have some considerable confidence that the Soviets would comply.

By definition the cost of noncompliance would be even higher than the cost of compliance. The treaties in the past have failed to meet that test.

One of the most troubling arguments that we have carried on in the last 4 years is this question of how one judges the seriousness of this or any other administration on the issue of arms control.

I am sorry to say that we have been accused of lacking seriousness precisely because we have tried to come to grips with the very serious problem you have emphasized.

I would hope that we would have the support of the Congress, in particular, in recognizing the kinds of agreements you want and we want are very difficult to negotiate with the Soviets. They can't be negotiated if we are overanxious, if we are more concerned about getting the signature on a piece of paper than the content of that agreement.

So, we have tried to set what we call a higher standard of agreement than the past history has reflected.

Senator BINGAMAN. That is all I have, Mr. Chairman.

General CHAIN. Mr. Chairman, if I may, I think with all due respect, I need to put a little balance into the conversation. I have heard the questions that we have walked through and they have all been focused on the subject in front of us and that is Soviet noncompliance. The higher order is arms control.

If I might, I would just like to walk through the logic that leads one to arms control and then talk about Soviet compliance if I may do so quickly.

Our national security is built on strength. If we have strength, we can then ensure security because we can then field a deterrent force.

Now, a deterrent force is built on our combat capability versus the enemy's combat capability, which in this case is the Soviet Union.

Now, those two capabilities are composed of two things.

One is the quality of the force and the other is the quantity of the force. We have large forces or small forces and that is where arms control comes in. Arms control helps to tailor and balance the quality and quantity of the relative forces.

I believe that even though we have focused on Soviet noncompliance of specific provisions of certain treaties, if you take the body of the treaties in a macrosense, they have complied with the large majority of the treaties.

We are walking on the fringe. Now, there is no way I am going to sit here and support what the Soviets have done. The point I am trying to make is that arms control agreements, good verifiable agreements which are complied with, end up being in our national interest because they help tailor the forces on both sides which then gives us a deterrent force that we need.

I would hate to see this body walk out of here at the end of the day thinking of arms control as no good because the Soviets always cheat. That is not the position of the administration. It is certainly not the position of the State Department.

Yet we recognize that verification measures are critical to any agreement. I hope to chair the START and INF interagency groups as we prepare to go back to Geneva. One of the important aspects of those preparations, as directed by the President, is to focus on the verifiability of each option we look at, as we sort through the different options.

I am not trying to denigrate compliance. It is the cornerstone of a successful agreement.

On the other hand, I don't want to denigrate arms control because someone has cheated in the past.

They are both important, but they have to be kept in balance and looked at in a macroview and not just the cheating.

With all due respect, sir.

Senator BINGAMAN. Thank you, Mr. Chairman.

Senator THURMOND. I am glad you brought that up.

Chairman GOLDWATER. Senator Denton.

Senator DENTON. Thank you, Mr. Chairman.

I am going to place myself in a position of probably being wrong, but I am going to draw what I believe to be the most important military significance of that which we have been discussing this morning.

I am not going to address myself to the notification regarding maneuvers, nor am I going to talk about the chemical warfare, nor about some of the violations of nonnuclear tests, and so on.

I am going to try to avoid the immediate findings which we have been focusing on; namely, that the U.S.S.R. is guilty of a long series of violations.

Such clear violations as exist do not at present constitute a serious imbalance with respect to nuclear confrontation.

What I do think is significant is this, gentleman. I ask you to tell me whether it is correct and whether or not it is unclassified and I will try to make this point on the floor.

The Soviet Union, first, has designed and deployed radars, missiles, and other systems in a manner which we can see and have seen and which we have been discussing.

The significance of the equipment capabilities and the dispositions of those systems and the system components is that from condition A, where the Soviets are now, to condition B, where there is an extremely serious contribution to strategic imbalance, is a very minor move in time and effort on the part of the Soviet Union.

In other words, they can move to a place at which they have significant, maybe significant enough, ballistic missile defense against us, plus extremely good antiair defense against U.S. forces.

If they move from condition A to condition B, the United States does not have 1 chance in 1,000, in a reasonable amount of time, of achieving the right kind of answer to that because of the necessity of staying away from the margin of the treaty, and so on.

Is there any significance in what I have just said?

Mr. PERLE. Senator, you have put your finger on the most serious of the violations having to do with the ABM Treaty and with the fact that we have depended on the stability of that treaty on limitations, particularly on large radars, because they have a long lead time. Radars take several years to build.

The additional equipment that would have to be employed to produce a nationwide ABM system can be deployed relatively rapidly. It is a significant effort, much of which can be done covertly or even in a manner that skirts the limitations of the treaty.

For example, the treaty prohibits mobile radars, but there is no clear definition of the term "mobile."

The Soviets have developed radar which is called transportable rather than mobile, but it amounts to almost the same thing.

Large numbers of these radars could be produced relatively quickly. So, we are concerned about the Soviets breaking out of the ABM Treaty. [Deleted.]

This identifies the right area for concern.

Senator DENTON. Is that unclassified?

Mr. ADELMAN. We would have to take that statement if we could and take a look at that. I would urge you to do that.

Senator DENTON. I have been involved in national security matters for 40 years. I find it incredible that we cannot develop a sense of proportion in Congress of what the significance of these questions is. I don't blame my colleagues.

It is very difficult, and we are limited to only so many minutes, to feel conscientiously that you are doing any good here in a sense when the Nation's whole survival is on the line.

Thank you, Mr. Chairman.

Chairman GOLDWATER. Senator Gramm.

Senator GRAMM. Thank you, Mr. Chairman.

I have one question I would like to ask all four gentleman here today.

We are apparently approaching a point with the deployment of the new Trident submarine where if we don't disassemble or destroy the existing Poseidon weapon system we will be in violation of the SALT II Treaty.

Given the violations of the Soviet Union, given the lack of ratification, given the statement by the Secretary of the Navy in hearings before this committee a couple weeks ago that there was still a lot of life in the old Poseidon system, would you recommend to this committee that the Poseidon system be kept online or that it be destroyed?

Mr. ADELMAN. This is a decision that will have to be made in the fall. It will be one that will be hotly debated within the administration as well as, I assume, in the Congress.

We just cannot predict the outcome of that debate right now.

Senator DENTON. Nobody wants to give this committee his opinion?

Mr. PERLE. I might add to what Ken has said.

First of all, it is important to remember when the statement is made that the Soviets have complied with similar dismantlement provisions affecting their submarines. What that means is that they have taken ballistic missile submarines that were over the limit and converted them to cruise missile carrying submarines, which is not exactly what we had in mind when we negotiated a limit on the number of submarines.

Mr. ADELMAN. Which is more of a threat to our forces.

Mr. PERLE. Second, the question of whether we are obliged to dismantle anything will depend on the date on which the Trident submarines are in sea trials.

The treaty we are talking about, had it been ratified, would have expired at the end of this year. It is entirely possible that the sea trials would come after that date in which case the issue would have to be approached somewhat differently.

Finally, let me say that I would very much hope—this is just a personal view—that in deciding how to handle this issue, you will bear in mind that the Soviets have been violating a number of provisions precisely to the same degree.

I think you can infer from what I said earlier that the concern I have and I know others have had is does it serve the United States to go on complying with the agreement that is being violated by the other side?

Whether this issue is the issue on which to make that point or some other issue, I think that remains to be seen in light of the circumstances as we approach the decision date.

General CHAIN. One of the things that we will have to take into serious consideration is the potential for Soviet breakout.

If we break out and if we keep the submarines on line, theoretically we will have broken the Salt II Treaty and our pledge to not exceed it as long as they don't exceed it. If we cross this line, their potential of getting support from their nation, since they don't have very many people to have to get support from, is probably far greater than ours.

You would have to consider a lot of things if we were going to try to break out and match their potential. There are lots of factors, there are lots of sides of the cube to rotate and look at as this issue is focused on. It is not an easy, clearcut case.

[Deleted.]

Chairman GOLDWATER. Sam, do you have a question?

Senator NUNN. I have one follow-up question for Mr. Perle.

Is it your understanding that the United States did not want to get the sea-launched cruise missile involved in SALT II?

Mr. PERLE. I am trying to recall. It is my view that we cannot verify a number of the issues associated with the deployment of sea-launched cruise missiles and we ought, therefore, not to make proposals that entail limitations on them.

With respect to SALT II, I, frankly, don't recall.

General CHAIN. I believe we proposed banning anything with a range over 600 kilometers and the Soviets would not agree to it.

Mr. ADELMAN. That was the protocol. There was the GLCM.

Senator NUNN. Let me ask each of you your personal views on one question.

In the SCC there is a lot of controversy about whether the Standard Consultative Commission is doing its job or can do its job.

I would like to get the personal views of each of you about the future of the SCC, and whether you think it is a useful mechanism that should be continued?

General CHAIN. It should continue. I don't know what we would replace it with. It does provide a forum where we have a dialog going on with the Soviets and even though we don't always reach agreement, it is a place to continue the conversation.

It has not done very much, but it does keep the conversation going.

Senator NUNN. Ken.

Mr. ADELMAN. I believe that the forum has not been successful in the past in resolving these issues, as Senator Kennedy made so clear, on Soviet behavior.

Except in the BW/CW field, Soviet behavior has not changed very much. I would think the big danger in the SCC is not its existence, but thinking that that will in itself solve our compliance issue. It will not solve our compliance issue.

Second, the big danger in the SCC is in giving us an excuse or offering people an excuse to not make the high level kind of demarches that we need to make on these important issues.

Senator NUNN. Should we conclude that you are for continuing it or against continuing it?

Mr. ADELMAN. I am for continuing as long as you avoid those two pitfalls, that it will solve the compliance issue and, second, getting the President and the Secretary of State off the hook doing something about compliance on their levels.

Mr. PERLE. [Deleted.]

Senator NUNN. You are in favor of termination?

Mr. PERLE. [Deleted.]

Senator NUNN. How about your personal views?

Mr. PERLE. [Deleted.]

Senator NUNN. Thank you.

Mr. ADELMAN. We would like to insert the classified version of our compliance report in the hearing record itself if you don't mind.

Chairman GOLDWATER. It will be inserted.

[The classified version of the compliance report is retained in committee files.]

Do any of the Members have any quick questions they would like to ask?

Senator McClure. I have one comment if I might.

With respect to the pitfalls of the SCC, the downside, not just the upside, I would agree that certainly we ought to keep it if we are not misled, but if we are misled, then it is a bad thing to do.

I think that is what you were saying, Mr. Secretary.

The one thing you did not focus on was the role of the American public and public opinion in influencing policy. With the SCC in existence there is reluctance and every argument made on the part of some people that we ought not to say publicly what we say privately to them in SCC and, therefore, the American public is deprived of information on which to make their judgment.

Is that a fair comment?

Mr. Adelman. I think it is a fair comment. There is probably a difference between Richard and myself on this point. He thinks there is always a trap and there is always a trap to do dumb things and to rely on things that have not been successful.

I think we can be smarter and not get into the kind of pitfalls that I mentioned to you on the SCC. I don't think from a public perception, Senator—I don't know about people in Idaho, but I bet you not many have ever heard of the SCC.

Senator McClure. No, but they have not heard much about the violations either.

Mr. Adelman. That, as I say, is the fault of the leadership and partly because we have not done enough. In that regard, we would welcome an opportunity for an open hearing on the subject.

Senator Glenn. In preparation for the arms control talks over there, are we considering verification for every single thing we are going to propose?

You can't make proposals, get tentative agreement, get semi locked in and say, my God, how are we going to verify this? You have to do that at each point.

You have to do the verification first and then present it. Then we are on firm grounds.

Mr. Adelman. You won't have any argument from us on that.

Let me say, practically speaking, it is very difficult to do that. It takes an enormous amount of time and enormous amount of effort.

Senator Glenn. I am saying it is darn difficult to get something through again unless it is verifiable. We have been down that road on SALT II.

Senator Nunn. What are we going to do once we determine something is violated? It is no good to say it has been violated if you don't do anything about the violation?

Mr. Adelman. One last request. [Deleted.]

Chairman Goldwater. I want to thank each one of you. This has been a very illuminating experience.

I did not get to ask questions. I will insert them for the record.

[The questions submitted by the Senators of the Senate Armed Services Committee to be answered for the record follow:]

Questions Submitted by Senator Barry Goldwater

SOVIET TREATY COMPLIANCE

Senator Goldwater. What judgments has the Department of Defense made with regard to the real or potential military implications of these violations? What response options, if any, have been considered, and what options, if any, are protected by the fiscal year 1985 budget request?

Mr. Perle. While all of the Soviet noncompliance activities have some degree of military significance, several are particularly noteworthy.

The large phased-array radar (LPAR) being constructed near Krasnoyarsk in Centeral Siberia is a radar whose siting, orientation, and capabilities make it a clear violation of the ABM Treaty and, together with other Soviet ABM-related activities, suggests that the USSR may be preparing an ABM defense of its national territory. Such a defensive system, for which the Krasnoyarsk radar may be a long lead-time link, would have significant effect on the strategic balance.

The SS-X-25 mobile ICBM, which has been flight tested and is about to be deployed in violation of several SALT II provisions, represents a significant modernization of the Soviet ICBM force, which is already more modern than the U.S. force.

Soviet chemical and toxin weapon activities are of potentially great military significance since they have allowed the USSR to enhance its chemical and biological warfighting capabilities.

The Department of Defense has been directed by the President to conduct a comprehensive assessment aimed at identifying specific actions which the United States could take to augment as necessary the U.S. strategic modernization program as a proprotionate response to, and as a hedge against the military consequences of, those Soviet violations of existing arms agreements which the Soviets fail to correct. It would be inapprorpriate at this time to discuss what options are currently under consideration since this study was only recently begun.

Senator Goldwater. General Chain, does the administration intend to press noncompliance issues in the upcoming negotiations in Geneva? To what extent will progress in the negotiations be tied to satisfactory explanations or corrective actions on these issues by the Soviets?

General Chain. The United States raised many of its compliance concerns during the first round of the Geneva negotiations. One of our objectives at Geneva is to seek to reverse the erosion of the ABM Treaty caused by Soviet noncomplying activities. we will continue to raise compliance issues during the coming rounds of the Nuclear and Space Talks at Geneva, and to press compliance issues with the USSR through other diplomatic channels, seeking explanations, clarifications and corrective actions where necessary. Clearly, decisions about the outcome of the Geneva negotiations will take fully into account soviet actions in that regard. Meantime, continuing negotiations give us a degree of leverage and another way for trying to get the USSR to abide by existing agreements.

Questions Submitted by Senator Dan Quayle

SOVIET TREATY COMPLIANCE

Senator Quayle. Two weeks ago the Senate received a Presidential report on Soviet arms control noncompliance that finally confirmed that Soviet construction of a major inland ABM radar at Krasnoyarsk violates the SALT I ABM Treaty of 1972.

Do the Soviets deny the existence of this radar or do they argue that they simply do not intend to use it for ABM purposes?

Mr. Perle. The Soviets contend that the missions of the radar will be for tracking objects in outer space and National Technical Means of verification.

Senator Quayle. Is there any reason why the United States should take a more restrictive approach or interpretation of the ABM Treaty provisions and what they prohibit or allow than the Soviets do?

Shouldn't we avoid interpretations of the treaty that are more restrictive on our activities than on the Soviets' and that we are unable to get the Soviets to comply with?

Mr. Perle. Our approach in pursuing the issue of Soviet noncompliance with arms control agreements is to ensure that both the letter and the intent of treaty obligations and commitments will be fulfilled. As I have noted, the Soviet Union has violated the ABM Treaty with its construction of the Krasnoyarsk radar, and has probably violated the prohibition on testing SAM components in an ABM mode. In addition, Soviet actions with respect to ABM component mobility are ambiguous, but represent a potential violation of its legal obligation under the ABM Treaty. The sum of Soviet activities suggests that the Soviet Union may be preparing an ABM defense of its national territory—an activity prohibited by the ABM Treaty. The administration is seeking from the Soviets through diplomatic channels explanations, clarifications, and, where necessary, corrective actions; reporting on such issues to the Congress; and taking into account in our defense modernization plans the security implications of arms control violations. At the same time, the United States is continuing to carry out its own obligations and commitments under the relevant agreements. Such a position gives the United States a solid position from which it can press for Soviet compliance with the ABM Treaty. In the new negotiations, our objective is to reverse the erosion of the ABM Treaty and to seek equitable, effectively verifiable arms control agreements which will result in real reductions and enhance stability. In conclusion, we must guard against permitting a double standard of compliance, under which the Soviet Government would expect to get away with various violations of arms agreements while the United States continues to abide with all provisions. We do reserve the right to respond to those violations in appropriate ways, some of which may eventually bear on the treaty constraints as they apply to the United States.

Senator QUAYLE. The ABM Treaty's preamble makes it clear that the treaty was based on the assumption that limiting ABM systems would be "a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons."

What historical evidence do we have to support this thesis?

Mr. PERLE. Since 1972 the Soviet Union has continued to build up its strategic nuclear forces. In 1972 when the SALT I Treaty was signed, the Soviet Union has approximately 2040 ballistic missile warheads. In 1984 the Soviet total had risen to over 8,000. Since the mid and late 1970's there has been serious concern in the United States that the Soviet Union would effectively be able to eliminate a significant portion of the U.S. ICBM force. In response to this situation, this Administration has pursued a policy of modernizing the strategic forces of the United States while proposing to the Soviet Union negotiations on arms control that would lead to singificant reductions in the numbers of strategic nuclear weapons on both sides. Should the Soviet Union be willing to arrive at such an agreement, the risk of nuclear war will indeed be decreased.

Senator QUAYLE. The treaty's preamble also declares that it is the intention of the parties to take effective measure "toward reductions in strategic arms." This statement was formally clarified at the time by our negotiator, Ambassador Gerard Smith, to mean that "if an agreement providing for more complete strategic offensive arms limitations were not achieved within 5 years, U.S. supreme interests could be jeopardized.

"Should that occur, it would constitute a basis for withdrawal from the ABM Treaty."

Do you believe our inability to reach such an agreement has jeopardized our supreme interests?

Mr. PERLE. It is true that in 1972 the Soviet Union possessed no credible capability to destroy a significant portion of the U.S. ICBM force in a pre-emptive strike. At present, however, the Soviet force of SS-18 Mod 4's alone has the capability to threaten a significant percentage of the U.S. ICBM force. U.S. ICBMs, on the other hand, have no comparable capability to threaten the prompt destruction of the Soviet land-based ballistic missile force. However, in response to this situation, we have pursued a policy of modernizing our strategic forces while seeking in the current arms control negotiations the achievement of substantial, effectively verifiable and equitable reductions that will enhance stability.

MODIFICATIONS TO THE ABM TREATY

Senator QUAYLE. In light of the President's desire to proceed with SDI, and the prohibitions the ABM has against certain deployments and certain tests of such systems, what sort of modifications should the United States be seeking to the ABM Treaty when it comes up for review in 1987?

Mr. PERLE. The ABM Treaty permits the kind of research envisaged under the Strategic Defense Initiative program, and all such research will be conducted in a manner that is fully compliant with those obligations. The ABM Treaty provides for periodic review and for possible amendments. The amendments may be addressed at any time, not just during the formal reviews. If the SDI research program results in specific options to develop and deploy a defensive system, and if a decision to go ahead is made by a future President and a future Congress, we would then address the question of availing ourselves of the procedure to modify the Treaty.

SOVIET TREATY COMPLIANCE

Senator Quayle. How harmful are continued Soviet arms control violations (not only to SALT I, but to the Biological and Toxic Weapons Convention and the Limited Test Ban Treaty) the good faith needed to succeed in our talks at Geneva, and what do you think the United States ought to do about these violations?

Mr. Perle. The Soviet violations raise questions about the integrity of the arms control process that may be far more significant than their short-term military impact. The administration is actively considering a number of options for responding to the Soviet actions. To be most effective, the administration's efforts to obtain good faith Soviet compliance needed for engaging in effective arms control talks will require bipartisan support. The administration has been following the appropriate procedures for notifying both the Soviet Union and the Congress concerning these violations. It is also necessary for the public to be better informed as to what actions the Soviet Union has taken in violation of its arms control obligations and commitments.

Senator Quayle. Why should the United States continue to seek arms control agreements with the Soviet Union if it cannot get the Soviets to comply with the agreements it has already signed?

Shouldn't the first priority of arms control today be to secure Soviet compliance to these existing agreements?

Shouldn't we pursue this objective before attempting any new agreements? If not, why not?

Mr. Perle. The United States should continue to negotiate for three reasons:

First, new arms control agreements, if soundly formulated and fully adhered to, can serve U.S. interests. We should not abandon efforts to achieve effective and verifiable agreements that can increase U.S. and allied security and reduce the risk of war.

Second, entering new negotiations does not in any way condone or ignore past Soviet behavior. Indeed, we are continuing to press the Soviets in these as well as in other diplomatic channels to terminate their noncompliance.

Third, continuing to negotiate can give us leverage and another way for trying to get the Soviets to abide by existing agreements.

ANTITACTICAL BALLISTIC MISSILES

Senator Quayle. Would the deployment of anti-tactical ballistic missiles in Europe or the Pacific violate the ABM Treaty? What is our allies' opinion?

Mr. Perle. The ABM Treaty prohibits giving missiles, launchers, or radars other than ABM interceptor missiles, launchers, or radars the capability to counter strategic ballistic missiles or testing them in an ABM mode. Thus, the ABM Treaty does restrict defenses against strategic ballistic missiles; it does not apply to defenses against non-strategic ballistic missiles or cruise missiles unless such defenses have been given the capability to counter strategic missiles. Our allies fully understand these provisions of the ABM Treaty.

SOVIET ANTITACTICAL BALLISTIC MISSILES

Senator Quayle. Do the Soviets now have any anti-tactical ballistic missile capability deployed?

Mr. Perle. The Soviet Union is flight testing a weapon system, the SA-X-12, which is both a tactical surface-to-air missile and an anti-tactical ballistic missile. The SA-X-12 may have capabilities against some strategic ballistic missiles. It will soon be ready for deployment.

SOVIET TREATY COMPLIANCE

Senator Quayle. The President's report on Soviet arms control noncompliance confirms that the Soviets have clearly violated the SALT II provision prohibiting more than one new type of ICBM and the encryption of telemetry on new ballistic missiles, and the testing and deployment of missiles of the SS-16 type. Yet the United States continues to abide by the SALT II limits and is even considering dismantlement of perfectly good Poseidon SSBNs later this year to stay within the SALT II limits.

How is such unilateralism in U.S. interests?

Mr. **Perle**. We cannot impose upon ourselves a double standard of strict U.S. treaty compliance while the Soviets selectively and deliberately violate these agreements. We will take those steps required to assure the national security of the United States and our allies which were made necessary by Soviet noncompliance. Appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security, to provide incentives to the Soviets to correct their noncompliance, and to make it clear to Moscow that violations of arms control obligations entail real costs. In order to do this, however, we will need bipartisan support for the administration's efforts to bring Soviet arms control violations to an end.

Chairman **Goldwater**. The meeting will stand adjourned.

[Whereupon, at 10:50 the committee adjourned, subject to the call of the Chair.]

SOVIET TREATY VIOLATIONS

TUESDAY, MAY 7, 1985

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met in open session, pursuant to notice, at 9:09 a.m., in room SR-222, Russell Senate Office Building, Senator John W. Warner presiding.

Present: Senators Warner (presiding), Humphrey, Cohen, Quayle, Wilson, Denton, Levin, Kennedy, Bingaman, Dixon, and Glenn.

Staff present: James F. McGovern, staff director and chief counsel; Arnold L. Punaro, staff director for the minority; Christine C. Dauth, chief clerk; Patrick A. Tucker, counsel; Robert G. Bell, Robert F. Bott, Douglas R. Graham, George K. Johnson, Jr., David S. Lyles, Gordon G. Riggle, and Carl M. Smith, professional staff members; Colleen M. Getz, Russell C. Miller, and Patricia L. Watson, research assistants; Karen A. Love, staff assistant.

Also present: Romie L. Brownlee, assistant to Senator Warner, Robert P. Savitt, assistant to Senator Cohen; James M. Bodner, assistant to Senator Cohen; Henry D. Sokolski, assistant to Senator Quayle; Mark J. Albrecht, assistant to Senator Wilson; Allan W. Cameron, assistant to Senator Denton; Alan Ptak, assistant to Senator Gramm; Jeffrey B. Subko, assistant to Senator Exon; James B. Steinberg, assistant to Senator Kennedy; Edward McGaffigan, Jr., assistant to Senator Bingaman; and Phillip P. Upschulte, assistant to Senator Glenn.

OPENING STATEMENT BY SENATOR JOHN W. WARNER, PRESIDING

Senator WARNER. The committee convenes in open session this morning to receive testimony on the military implications of Soviet noncompliance with their arms control commitments. This is a followup to the hearing the committee conducted on this subject in closed session on February 20, 1985.

Our witness this morning is Richard Perle, the Assistant Secretary of Defense for International Security Policy.

Mr. Perle, on behalf of the committee, I would like to welcome you this morning.

On February 1, 1985, in response to a request from the Congress, the administration forwarded a second "Report to the Congress on Soviet Noncompliance with Arms Control Agreements." This report confirmed and in some cases strengthened the findings contained in the administration's first report of January 1984, in addition to raising new issues of concern.

It is my understanding that to date the Soviet Union has not provided satisfactory explanations nor undertaken corrective actions with regard to any of these issues.

The President, in forwarding the February report to the Congress, made several observations with regard to noncompliance about which there can be little disagreement. Meaningful arms control demands that all parties to agreements fully comply, and noncompliance of any sort raises important policy issues for the arms control process.

At a minimum, it undermines the confidence that is essential in order for the arms control process to be effective. Noncompliance also calls into question the security benefits we seek to achieve from arms control while raising new areas of security risk.

In addition to analyzing the evidentiary basis of the violations themselves, the committee will be focusing on the implications of the Soviet compliance record for the arms control process. The committee will also focus on the military implications of the violations as well as possible policy and programmatic responses designed to redress these implications.

I might add that the committee has been concerned by the administration's apparent inability to date to devise appropriate responses to Soviet noncompliance. In view of this concern, the committee has included a provision in the fiscal year 1986 defense authorization bill that requires the Secretary of Defense to report to the Congress on the military implications of Soviet noncompliance by July 15, 1985.

Chairman Goldwater has expressed his intention to conduct additional committee hearings later this year to address these issues in greater detail. At that time the committee will have benefit of the Secretary of Defense's report, and we will solicite testimony from other relevant Government agencies as well as the views of public witnesses.

Mr. Cohen, did you have any observations?

Senator COHEN. No, Mr. Chairman.

Senator WARNER. The gentleman from California.

Senator WILSON. No, Mr. Chairman. I will await the testimony of Secretary Perle, and then I will have some questions. Thank you.

Senator WARNER. We have prepared statements by Senators Thurmond and Dixon that will be entered into the record at this point.

[The statements of Senators Thurmond and Dixon follow:]

PREPARED STATEMENT OF SENATOR STROM THURMOND

Mr. Chairman: I want to thank you for holding this hearing on Soviet treaty violations, and I would like to add my welcome to Mr. Perle, who is certainly no stranger to this committee. It is a pleasure to have you here today, Mr. Perle. We appreciate your candor in these matters. The American people certainly have a right and a need to know the dangers involved in Soviet treaty violations.

The difficulty comes after we have established the fact that the Soviets are violating treaties. There does not seem to be any agreement on what our course of action should be to correct the situation. An even more difficult problem is making a judgment about when treaty violations become actual military threats to our security.

Some will say that certain infractions are minor and should be ignored so as not to spoil the "spirit of arms control." I feel that this is dangerous and will only encourage greater violations. A simple analogy is that of throwing a stone into a pond.

The ripples created by the stone start out small but grow progressively larger and larger. Our difficulty is determining when the ripples become waves.

Prior to World War II, Hitler and Stalin signed an agreement. Mr. Stalin must have believed that this agreement was in the best interest of the Soviet Union at the time, and he probably felt that way right up to the beginning of Operation Barbarrossa. That is a rather dramatic and clear cut example knowing when unilateral treaty compliance is not in your best interest. We are not faced with such a clear threat at the present, but I am concerned about the point when we are very much threatened by treaty violations and what courses of action will be available to us at that time.

PREPARED STATEMENT OF SENATOR ALAN DIXON

Mr. Chairman, I look forward to hearing testimony by Secretary of Defense Richard N. Perle on the military inplications of Soviet Treaty violations.

Mr. Perle has an outstanding background in the arms control field, dating back to his days on the staff of the late Senator Scoop Jackson, a man I greatly admired. The press has said of Mr. Perle that his influence within the present administration ". . . rests in part on the bureaucratic skill, depth of knowledge and consistency that have made him a formidable intellectual force. . . ."

Mr. Perle's involvement with arms control treaties with the Soviet Union dates back to the Senate debate on SALT I. With the Geneva talks now underway, I believe Mr. Perle's views are extremely important. We need to determine how the Soviet Union has lived up to its past agreements with the United States before we enter into any new agreements.

Senator WARNER. Mr. Secretary.

STATEMENT OF RICHARD PERLE, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY

Mr. PERLE. Thank you very much, Mr. Chairman. Thank you for inviting me to appear before this committee. I have a prepared statement for the record that covers comprehensively the violations that the President has found after an extensive examination by all departments of the Government of Soviet behavior as it relates to a variety of treaties and agreements either ratified and in force or adhered to informally under a policy that is commonly known as the no undercut policy.

If you will permit me to do so, rather than read that statement in its entirety, I would like to comment rather more generally about the subject matter of the hearing today. I think it is clear that what we have been observing almost from the beginning of the implementation of the various arms-control agreements that exist between the United States and the Soviet Union is an expanding pattern of violations. This pattern began early in the process with a cynical exploitation of loopholes and ambiguities negotiated into the agreements reached between us that has continued to this day and has increasingly crossed the line from arguable propositions to out and out violations.

The administration views this enlarging pattern of violations with great seriousness because we think it is evident that the benefits of arms control cannot be achieved unless there is strict adherence by all parties to the terms of the agreements involved.

What is striking about this pattern of behavior is that the treaties themselves are extraordinarily permissive. They are, it will be argued, the best that could be obtained in the process of negotiation with the Soviets, and what that meant in a practical sense is that the Soviets sought to retain the freedom under the terms of the various agreements between us to continue their programs in my judgment largely without modification.

And so one actually has to go out of one's way to exceed the permissive limits of these treaties, in order to cross that line from arguable differences in interpretation to out and out violation, and yet the Soviets have been prepared to do that, and they have been prepared to do it in some cases in order to achieve what I think we would regard in a narrow military sense as minor benefits.

There are those who argue that because the military consequences of some of these violations are minor in nature, we need not be concerned about them. I am inclined to take quite the opposite view.

That is, if the Soviets are prepared to engage in violations in order to achieve minor advantages, how much more likely are they—should we ever sign a treaty with the Soviet Union in which our fundamental security might turn upon precise adherence—to violate rather more important provisions of the treaties that exist between us.

And so I think that one of the lessons to arise out of our experience is simply this, that we ought to take very great care indeed when it comes to signing treaties that have in them provisions so critical to the stability of the balance between us that if those provisions were violated, the balance would shift significantly.

I think it is worth, if I can have the committee's indulgence in a short historical digression, trying to put the current situation in some historical perspective. In 1972, as the committee knows well, the United States signed two important agreements with the Soviet Union: the ABM Treaty and an interim agreement meant to restrain the growth of offensive forces.

There was a certain logic to the combination of those two agreements, a logic that was very much in the mind of our negotiators and the administration when it presented those agreements to the Congress and indeed very much in the mind of the Congress when it approved them.

The logical relationship between the two agreements was simply this, that the United States would not find it necessary to deploy an antiballistic missile defense if through the constraints in the agreement, the interim agreement on offensive forces, the Soviet Union were to restrict its offenses to levels that did not constitute a threat to the strategic retaliatory capability of the United States. In short, if the Soviets would take action that obviated the requirement for a ballistic missile defense, we would not need to deploy one, and it would therefore be safe to abandon the ABM system that was presently under development, and that we believe we were then in a position to deploy.

Obviously, that relationship between the two agreements anticipated a halting to the momentum of the Soviet buildup that was then under way, and indeed the treaty was widely described by administration spokesmen at the time as one that would halt the momentum of the Soviet strategic offensive buildup.

I think it is now clear that the interim agreement failed to accomplish that purpose, that Soviet strategic offensive forces have grown rapidly and unremittingly since the 1972 treaty was signed, and the logical relationship between the two treaties has failed to prevail in the real world of the expansion of Soviet forces.

Now, one may ask, how is it that we anticipated that interim agreement would preclude the Soviets acquiring the capability that we feared most, that is, the capability to acquire enough accurate and reliable offensive ballistic missile reentry vehicles so that our own land-based missile force and other components of our forces based on land would not become vulnerable to Soviet attack.

And I believe the answer lies in the record of Soviet compliance with the interim agreement. Some of the most important provisions of that interim agreement, agreements about which we depend to achieve the result that we thought the agreement would produce, turned out to have been phrased so ambiguously as to permit the Soviet Union to take action contrary to the spirit and contrary to our anticipation of their behavior under the treaty.

The result of Soviet exploitation of ambiguities in the interim agreement was the buildup that I have described, a buildup that has resulted in Soviet acquisition of something like 8,000 strategic delivery—strategic warheads over and above the number that the Soviets had in their possession when the negotiations that led to the SALT I interim agreement got under way in November 1969.

So, between November 1969 and the present the Soviets have added massively to their offensive forces, and it is now clear and I think generally accepted that they have acquired a sufficient number of warheads of a type with sufficient accuracy and yield to attack and destroy virtually the whole of our land-based missile force.

Now, this Soviet buildup, despite the limitations of the 1972 interim agreement, did not result from the sort of violations that we have been witnessing more recently. It did result from the failure on the part of our negotiators correctly to anticipate how the Soviets would respond to the limitations of that interim agreement.

And I think it is worth noting that learning experience of 1972, perhaps inevitable because it was the first such experience, that learning experience ought to have left us with an understanding that minimum good faith necessary in order to rely on agreements that are less than contractually foolproof was misplaced then and will be misplaced in the future.

There are no courts, there is no independent arbitration, there is no recourse when the Soviet Union chooses to interpret treaties in a self-serving manner and proceeds to take the sort of actions that we intended to constrain when we signed those treaties.

In 1979, in the aftermath of the growth of that Soviet strategic offense, yet another attempt was made in the form of the SALT II Treaty, and I think it is fair to say that the SALT II Treaty, which is a far more elaborate set of constraints, a far more complex document, sought to tie down all the loose ends, not least of all because of the bitter experience of Soviet manipulation of the terms and provisions of the SALT I interim agreement.

And so there are a great many specifics in the SALT II Treaty. Although we have been here, we find a number of provisions that are neither self-enforcing nor self-evident. And there is great room for interpretation with respect to SALT II as well as SALT I.

And I think it is fair to say that wherever the Soviets have bent the interpretation of the SALT II Treaty in order to accommodate their preference, this should have come as no surprise.

What has come as something of a surprise is the willingness on the part of the Soviet Union going far beyond differences in interpretation to take action that is in clear violation, and I would like to talk about the most important area in which the Soviets are violating the agreements of 1972, although there are many other areas that we could talk about, and most of those are discussed in my prepared testimony.

Clearly the most important area has to do with violations of the ABM Treaty of 1972, which I think must be seen in relationship to the offensive building that occurred following the 1972 agreement limiting offensive arms. It is the combination of the Soviet potential for a territorial defense and a massive Soviet capability to attack elements of the American strategic deterrent that gives rise to the depths of our concern and constitutes the area of greatest military significance with respect to Soviet behavior pursuant to these agreements.

If anything was clearly understood at the time of the ABM Treaty in 1972, it was that the long lead time items upon which the ultimate deployment of a territorial defense would depend would be the very large phased array radars that characteristically take anywhere from 5 to 7 years to build, and the construction of these radars is highly visible.

We knew at the time, we understood at the time that other components of a territorial defense, the interceptors, the smaller missiles, the data processing, and the like could be developed and constructed surreptitiously and deployed rapidly, and we knew therefore that any treaty that did not come to grips with the potential for rapid deployment of an ABM system would be a very fragile treaty indeed. Great emphasis was placed on the limitations with respect to those large phased array radars that constitute the foundation for any system of territorial defense, because it was believed that if we could gain constraints over those long lead items, the Soviets would be unable rapidly to deploy the other elements of the territorial defense and thereby in violating their undertakings present us with a fait accompli.

And I would like to quote the few things that were said at the time, because it is always instructive to go back and look at the perceptions at the time in evaluating the contemporary situation. We made a unilateral statement in 1972 that while not binding on the Soviet Union reflects our thinking then during the SALT I negotiations, and I quote:

> Since Soviet ballistic missile early warning radars, henhouse radars, can detect and track ballistic missile warheads at great distances, they have a significant ABM potential.

The Soviets now have deployed a large phased array radar, actually six of them, far more capable than the henhouse radar about which we were concerned at the time. Then Secretary of Defense Melvin Laird has this to say on the subject of radars, and I quote:

> You all know that with regard to ABM defenses, long lead items are the acquisition and tracking radars.

And subsequently, during the Carter administration, the Joint Chiefs of Staff reported, and again I quote:

> Soviet phased array radars which may be designed to improve impact prediction and target handling for ABM battle management are under construction at various locations throughout the U.S.S.R. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage.

Now, of all the violations that the President has reported to the Congress in the last 2 years, the single most important violation, not least of all because it is the most visible, has been the construction of a large phased array radar near the city of Krasnoyarsk, in violation of the ABM Treaty.

It is one of the long lead items the deployment of which we sought to constrain in the ABM Treaty, the fundamental provision of which was precisely limitation on the construction of these radars. We discovered this radar a little over a couple of years ago.

We have discussed it at length with the Soviets in the Standing Consultative Commission and in diplomatic channels, and they have made it clear that they have no intention of ceasing the construction of this radar as we have asked them to do.

Instead, they have told us that the radar is permitted under the terms of the treaty because it is not a ballistic missile early warning radar. It is, they claim, a radar for space tracking purposes.

One of the characteristics of space tracking radars is that the face of the radar is oriented toward those quadrants of space where items to be tracked can be expected to be found, and yet this radar is oriented not toward space but rather toward the horizon.

The ABM Treaty specifically provided that radars for the purpose of ballistic missile early warning radars that tie into the rest of the network that can be rapidly deployed must be located on the periphery and facing outward. This may seem a small technical point, the fact that this particular Soviet radar is located deep inland rather than on the periphery.

But this seemingly technical point is fundamental to the whole issue of the radar at Krasnoyarsk, because it is the presence of the radar deep inland and the ability of this radar to track ballistic missiles and their reentry vehicles in flight would enable the Soviet Union were they to hand information from this radar and from other similar radars—and they now have a great number—over to battle-monitored radars and the radars associated with a variety of Soviet defensive systems that gives rise to our very great concern.

The Soviet Union has on a number of occasions hinted that when the radar is complete, we will know that it is not a violation of the ABM Treaty, and indeed there were reports several days ago that the Soviet Ambassador to the United States had hinted that an onsite inspection of this radar might be possible.

I looked rather closely at what Ambassador Dobrynin actually said, and what he actually said was that depending on the state of relations between us and when the radar is completed it might be possible for some sort of inspection to be made.

Now, obviously, when the radar is complete, it is too late to take remedial action, so this proposal would be of little interest to us even if it were otherwise genuine, but the fact is that there is nothing we could learn by visiting the site that we cannot already determine by examining the physical evidence we have about the location of the radar and the orientation of its tracking phase.

About the only thing one could learn visiting the site, if one were permitted to examine it, is the nature of the software, and there has not been the slightest suggestion that the Soviets would permit us to read the software program into the computers that control that radar.

So we remain confident that this radar constitutes a violation and a fundamental one, and may provide part of the basis for a territorial defense of the Soviet Union, a separate violation, in a sense, because the treaty specifically rules out territorial defenses.

Now, one might ask why we are concerned about a single radar. I think here it is important to note that the radar at Krasnoyarsk fills a critical gap in what is otherwise very extensive radar coverage of the Soviet Union, and indeed if one were to look at the area of coverage of that radar, you would find a pie-shaped wedge of territory that can be covered, that just happens to fill the gap because there is a radar to either side of it that covers the surrounding territory. So, it is not the single radar, it is the completion of a system of comprehensive coverage.

Then I think it is fair to ask, if the Krasnoyarsk radar does provide or could provide comprehensive radar coverage of the kind that would be necessary to operate a territorial defense, where are the other elements of that territorial defense that would cause us concern.

And this brings us to a second area in which Soviet compliance with the ABM Treaty has been problematic, indeed, where we believe yet another set of violations have taken place, and that has to do with the potential upgrading of air defense systems for ABM purposes, air defense systems that in combination with large phased ray radars could give the Soviet Union a significant ABM capability against a number of American retaliatory warheads, particularly war heads of an older design.

The Soviet Union has for years almost from the beginning, as far back as 1973, been testing air defense systems, and in particular air defense radars, in, to use the words of the treaty, an ABM mode. That is, they have conducted tests in which the reentry of a ballistic missile warhead was under way, either real or simulated, and at the same time they have activated components of air defense systems.

This is something about which we were greatly concerned at the time of the 1972 ABM Treaty, and for this reason there is a clear prohibition in the treaty on the testing of components for surface to air missile systems, air defense systems in an ABM mode. I think the precise number of occasions on which the Soviets have done this is classified, but it is not a few. It is not even a few tens. It is many more than that.

And we believe, at least I believe, and I think others would share this view, that this pattern of Soviet testing behavior is aimed, at the very least, at learning a great deal more than it would otherwise be possible to know about how the components of air defense systems might be integrated in a nationwide territorial defense.

This was a matter of concern in 1972 when the air defense system the Soviets had deployed was the SA-5, a system that by comparison with systems the Soviets are now deploying represented early technology. What has happened recently is that the Soviet Union has developed, in one case deployed, and in another case is actively testing new air defense systems with vastly greater capability against ballistic missile reentry vehicles. Only they can be provided with appropriate tracking data, and I am referring here to the SA-10 and the SA-X-12 missiles.

In my judgment one can only appreciate the importance, the military consequence, of the radar at Krasnoyarsk and the other large phased ray radars that appear to us to be identical if those radars are examined in light of the aggressive development of surface to air missile systems for air defenses that have capabilities to intercept ballistic missiles as well.

And I believe the combination of the radar system the Soviets have deployed, the testing of surface to air missiles in an ABM mode, the development of other components of a nationwide ABM system, including small radars that can be quickly moved from one location to another, which would entail the possiblity of moving in quickly from storage sites to actual deployment areas. When one takes all of this together, I think there is a very real concern that the Soviets may be in the process even now of breaking out of the ABM Treaty and confronting this country with the prospect that a significant fraction of our retaliatory forces could be intercepted if and when the Soviets choose to put these various elements together in an integrated system.

We have, Mr. Chairman, over the years, and when I say we, I mean both the executive branch and the Congress, said a number of brave things about how we would respond if the Soviets were to violate the agreements between us. We have not yet lived up to any of those statements.

Indeed, statements made to the effect that the Soviets would not violate agreements between us because the consequences would be so grave have been proven in light of our reaction to Soviet violations to have been absurdly optimistic.

And I think we now face a situation in which the disincentives to violation that were presumed to exist and that have been found not to exist give rise to the possibility that the Soviets will continue the pattern that we have already begun to see of violations along a very broad front of the agreements between us.

I think it is characteristic of the Soviet Union to probe, to test, to see how far they can go, and finding a failure on the part of the United States and many of its allies to respond to that probing, they will, I am quite sure, be inclined to go even further, and so it seems to me critical to the integrity of the arms control process, however much we may dispute its utility, that we not permit this pattern of violations to take place without some clear response.

I must say it is not helpful in this regard, at precisely the moment when the Soviets are engaged in a broad series of violations, for the Congress drastically to reduce the administration's request for defense funding.

And so I think the burden to find a way to respond to these violations in order to maintain the integrity of the process is even greater now than it was before the Congress acted significantly to curtail the administration's defense program.

One of the most serious violations that we have encountered has to do with Soviet efforts to conceal from the United States, from our national technical means of verification, the sort of precise information that we require about what they are doing, and great emphasis was placed on this in particular at the time of the SALT II Treaty.

I am referring here to the provision in the SALT II Treaty that was intended to preclude the encryption of critical data, the encoding of critical data that we might otherwise intercept and analyze bearing on Soviet strategic programs, and the President has now determined that a broad and expanding program of Soviet encryption of missile telemetry impedes our verification and therefore violates that agreement.

President Carter was properly concerned about the possibility that this might happen. I know Senator Glenn was very concerned at the time about the verification of the SALT II Treaty, and in addressing this issue, President Carter told a joint session of the Congress in June of 1979, and I quote, "A violation of this part of the treaty," and he was referring to the provision on encryption of telemetry, "would be just as serious as a violation of the limits on strategic weapons themselves."

And the Senate Foreign Relations Committee was so concerned about the possibility of telemetry encryption that in 1975 it adopted an understanding to the resolution of ratification by a 15-to-0 vote which provided, and let me read you that provision, and I quote:

> Any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the treaty, including but not limited to the failure to transmit relevant telemetric information which results in impeding a verification by United States national technical means of any provision of the treaty will be raised by the United States in the Standing Consultative Commission, and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including but not limited to the right to withdraw from the treaty.

Now, I am quite sure that what the committee had in mind when it adopted that language was a very stern message to the Soviet Union that if they encrypted telemetry in a manner that impeded verification, that we would take action, including action as grave as withdrawal from the treaty.

The Soviets have done that. We have raised it in the Standing Consultative Commission, and yet we have taken no action, despite the continuation and indeed expansion of that Soviet pattern of encryption.

I think the Foreign Relations Committee was right to single out this provision as it did, and I think we are wrong to forget that we said those words at that time, wrong to ignore the continuing violation, and we would be dreadfully wrong not to try to bring the Soviets back into compliance with respect to that critical provision, because it affects virtually every other provision of the agreements between us as they affect offensive missile forces.

Lastly, Mr. Chairman, let me say just a word about the Standing Consultative Commission. We have sometimes been criticized for public discussion of the violations that we are talking about today because there exists a private forum in which these matters can be considered with the Soviets, the Standing Consultative Commission, which is meeting even now in Geneva.

I want to assure this committee that all of the issues that we have raised publicly in response, I might say, to requests from the Congress obliging the President to report on Soviet compliance have been previously discussed and in some cases for years with the Standing Consultative Commission.

In my judgment, the Standing Consultative Commission has failed to produce results. It is hardly surprising. It is simply a forum where American technicians and Soviet technicians are able to talk to one another. Neither side, in my judgment, has significant authority to alter the practices of its national authorities, and because there exist no clear incentives to compliance, I think it would be unreasonable to expect a forum like the Standing Consultative Commission to produce compliance where there is a pattern of noncompliance.

Indeed, it seems to me that we have developed over the years a tendency to send compliance issues to the Standing Consultative Commission in much the way that issues too difficult to face and too unpleasant to face up to are sent to committees for study.

Far from producing an improvement in Soviet compliance, the assignment to the Standing Consultative Committee for years at a time of these compliance issues has in my judgment conveyed to the Soviets the signal that we are not serious about resolving these compliance issues, and I think it is clear that we will have to find other ways in which to engage the Soviets than in that forum, which has thus far failed to produce significant results.

Mr. Chairman, other issues are addressed in my prepared statement, and I would be happy to respond in any way I can to questions either reflecting the remarks I have just made or the prepared statement.

[The prepared statement of Mr. Perle follows.]

Prepared Testimony of Hon. Richard Perle, Assistant Secretary of defense (International Security Policy)

Despite the disappointing nature of my report to you this morning, it is a pleasure to appear before the Senate Armed Services Committee.

After an intensive two-year study of Soviet compliance with existing arms control agreements, President Reagan forwarded a report on Soviet compliance to the Congress on 1 February 1985. He summarized the findings of the report as follows:

"In this unclassified report the United States Government reaffirms the conclusions of its January 1984 report that the U.S.S.R. has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States Government also reaffirms its previous conclusions that the U.S.S.R. has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the U.S.S.R. has violated the ABM Treaty (through the siting, orientation and capability of the Krasnoyarsk Radar), violated the Limited Test Ban Treaty, and violated the SALT II provision prohibiting more than one new type of ICBM, and probably violated the ABM Treaty restriction on concurrent testing of SAM and ABM components. Evidence regarding the U.S.S.R.'s compliance with the ABM Treaty provision on component mobility was determined to be ambiguous. In addition, the United States Government is concerned about Soviet preparations for a prohibited territorial ABM defense. Further, the U.S.S.R. was determined to be currently in compliance with those provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and with the reconfiguration of dismantled ballistic missile launching submarines."

These are serious issues. The Soviet Union has violated almost all of the most important arms control agreements signed since 1963. Our concerns are deepened by the fact that Soviet violations in a number of cases involved treaties whose terms are not very demanding--SALT II, for example. Even the strictest possible compliance with SALT II would allow an enormous increase in Soviet nuclear capability. Indeed, there has been nearly an 80 percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. The fact that the Soviet Union has gone even beyond this and violated important treaty provisions is a cause for serious concern.

Moreover, as Secretary Weinberger has observed, "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements."

There are serious security risks from Soviet arms control violations. This is particularly true in the ABM area. The ABM Treaty does not limit the production of ABM interceptor missiles, which can be deployed rather quickly. Because large radars take years to construct, the radar limitations are its core provision. The ABM Treaty is hardly an optimum arms control agreement. Many of its provisions are permissive and thus involve a calculated risk. Even in 1972 the Soviet radar base was already more extensive than that of the then proposed U.S. Safeguard ABM. Indeed, a unilateral statement the U.S. Government issued during the SALT I negotiations noted that, "Since Hen House [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential." The new Soviet large phased-array radars (LPARs), six of which have been found, are far more capable than the Hen House.

The United States has long been concerned about the ABM potential of Soviet large phased-array radars. Indeed as early as 1970, then Secretary of Defense Melvin R. Laird told the Senate Foreign Relations Committee, "You all know that with regard to ABM defenses, long-lead items are the acquisition and tracking radars." Soon after signing the ABM Treaty, the Soviets began the construction of a new generation of large phased-array radars far more capable than the Hen House to support a large ABM program. Indeed, during the Carter Administration, the JCS reported that: "Soviet phased-array radars, which may be designed to improve impact prediction and target handling for ABM battle management, are under construction at various locations throughout the U.S.S.R. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage."

In mid-1983 the United States discovered the construction of one of these radars deep in the interior of the U.S.S.R. near the city of Krasnoyarsk. After a detailed analysis of this radar, its capabilities and Soviet explanations for its construction, the United States Government has concluded that: ". . . the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972, in that in its associated siting, orientation, and capability, it is prohibited by the Treaty."

We have other serious concerns about Soviet failure to comply with the ABM Treaty. During the negotiation of the Treaty, the U.S. Government attempted to deal with the threat of the upgrade of Soviet bomber defense (SAM) missiles into ABM systems. We were particularly concerned about the SA-5. In the testimony cited above, Secretary Laird voiced concern about the ABM potential of the Soviet SA-5 noting that, "We cannot rule out the possibility that the Soviets have given or will give this system, called the SA-5 or Tallinn system, an ABM role. We believe it is technically feasible for this system. This is a problem of particular concern because of the extent of the Tallinn deployment—over 1,000 interceptor missile launchers." The United States settled for a prohibition of testing such SAMs in the ABM mode but without a specific definition of what this meant.

Over the years we have expressed concerns to the Soviet Union about Soviet testing of bomber defense missiles (Surface-to-Air Missiles or SAMs) radars against strategic ballistic missiles. A 1978 report of the Carter Administration stated that this activity ". . . could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." In addition, as the Scowcroft Commission noted in its report, "At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched ballistic missiles and even ICBMs." Two of the new Soviet SAMS now being deployed, the SA-10 and the SA-X-12, could have ABM potential if provided data from large phased-array radars. As was reported in the 1984 edition of soviet Military Power, "Both the SA-10 and the SA-X-12 may have the potential to intercept some types of US strategic ballistic missiles as well. These systems could, if properly supported, add significant point-target coverage to widespread ABM deployment."

We have now determined that, "The number of incidents of concurrent operation of SAM and ABM components indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable."

As President Reagan stated in his report on the SDI in January 1985, "The Soviets are also engaged in research and development on a rapidly deployable ABM system that raises concerns about their potential ability to breakout of the ABM Treaty . . .". The President has now determined that this system and its components, "which are apparently designed to be deployable at sites requiring relatively little or no preparation, represent a potential violation of its [the Soviet Union's] legal obligations under the ABM Treaty."

Taking all these developments into account, the President concluded that, "The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the Soviet Union may be preparing an ABM defense of its national territory."

Concerning the SALT II Treaty, we have determined that there have been a number of violations or probable violations. We believe that the Soviets have probably deployed the SS-16 ICBM in violation of a specific treaty prohibition. We have determined that the Soviets have flight tested the SS-X-25 which is a second new type of ICBM In violation of the treaty limit of one new type. Even if we were to accept the Soviet argument that this missile is not a prohibited new type, it would violate a Treaty prohibition on testing an existing ICBM with a single RV whose weight is less than 50% of the ICBM's throw-weight.

The limit of one new type of ICBM was described by the Carter Administration as one of the principal limits of SALT II. To quote Secretary of State Cyrus Vance in 1979, "Based on their past practices they could be expected to acquire several entirely new types of land-based missiles by 1985; the treaty limits them to one." While the "new" type limit of SALT II was hardly as restrictive as the Carter Administration did insist on was that the and a new, small, solid-fuel ICBM. They have now done both. They have now done both. They have flight-tested both a new medium, solid-fueled ICBM similar to our MX and the SS-X-25, a Minuteman-sized solid-fuel missile. Moreover, they have other new ICBMs under development and we are concerned that they, too, might violate SALT II limitations.

The United States has determined that Soviet encryption of missile telemetry impedes our verification of SALT II in violation affects our ability to negotiate a verifiable START Treaty. Indeed, President Carter told a Joint session of the Congress in June 1979 that: "A violation of this part of the Treaty-which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves." The Senate Foreign Relations Committee was so concerned about telemetry encryption in 1979 that: "A violation of this part of the Treaty—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves." The Senate Foreign Relation Committee was so concerned about telemetry encryption in 1979 that it adopted an understanding to the resolution of ratification, sponsored by Senator Biden and adopted by a 15 to 0 vote, which provided:

"That any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the Treaty, including but not limited to the failure to transmit relevant telemetric information, which results in impeding of verification by United States national technical means of any provision of the Treaty, will be raised by the United States in the Standing Consultative Commission and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including, but not limited to, the right to withdraw from the Treaty."

Soviet violations of the chemical and biological treaties are more than simple arms control violations. They are atrocities. These weapons have been used against defenseless human beings in an organized effort to drive them from their homes by killing thousands of them. The apparent decline in the use of these weapons does little for the thousands who have died and nothing to absolve the Soviets from eight years of cruel and inhumane attacks with lethal mycotoxins. If anything, as the President reported, evidence gathered during 1984 "confirm and strengthen the conclusion of the January 1984, report that the Soviet Union had maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972."

The Soviet violation of the Helsinki Final Act involved an action contrary to the confidence-building measures included in that agreement which call for pre-notification of and information concerning military exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapid-81) exceeding that limit was conducted in 1981 at a time great pressure was being exerted on Poland. The Soviets failed to provide the required notification. Soviet compliance with the Helsinki provisions in 1984 has been minimal. Soviet conduct has increased the risks and uncertainties associated with their military exercises which can mask a mobilization and degrade Allied confidence of detecting it. This is a far cry from confidence building.

Soviet testing of nuclear weapons, which we believe is likely to have exceeded the 150 kiloton limit of the Threshold Test Ban Treaty, could result in the development of improved warheads for their strategic weapons systems. We are precluded from developing new weapons of comparable yield because of our compliance under the treaty.

The U.S. Government has determined that the Soviet Union in numerous instances has violated the 1963 Limited Test Ban Treaty. The violations of the first significant arms control treaty between the US and USSR are deliberate and avoidable. They are not mere accidents but the result of deliberate testing policy. I am personally appalled by the lack of press reaction to this disclosure. The same individuals and organizations that have virtually waged war against the U.S. nuclear power industry are strongly silent in the face of disclosure of the deliberate contamination of our environment by the U.S.S.R.

There is no question that Soviet arms control violations are militarily significant. The Soviets have amassed, for example, a major advantage in chemical weapons and a monopoly on biological weapons. Advanced biological weapons utilizing genetic engineering could result in weapons of a type that do not currently exist and against which we would have no defenses. Our failure to fund the chemical weapons modernization program is particularly striking in view of the increasing evidence of large scale Soviet activities in the biological warfare area and massive chemical warfare capabilities.

Soviet violations—and impending violations—of the qualitative restraints of the SALT II Treaty will create threats in excess of even the permissive terms of SALT II. The SS-X-25 is hardly the last new Soviet ICBM. They will have a new MX-sized rail mobile missile capable of refire in a relatively short period of time.

They are also moving toward deployment of a new small, mobile ICBM which will be capable of refire. Meanwhile, the fate of the MX is uncertain and the US small ICBM program lags well behind the SS-X-25. We also know that the Soviets have other new ICBMs under development, and these, too, could violate the qualitative restrictions of the SALT II Treaty on throw-weight and RVs.

The Soviet Union has already attained a three-to-one advantage in ballistic missile throw-weight and an almost comparable advantage in time-urgent hard target kill capability. Soviet violation of the SALT II qualitative restrictions will assure that Soviet capabilities in this critical area will grow in a way that is contrary to treaty provisions. Likely Soviet violations of the TTBT will provide the warheads for these new missiles.

Perhaps the most important Soviet SALT related non-compliance come in the ABM Treaty arena. Soviet deployment of substantial levels of prohibited ABM defenses can have great military significance. Lack of an effective ABM defense today is really the missing link of the Soviet warfighting potential. And it should be noted here that the Soviet doctrine and military plans call for developing a warfighting capability, in contrast to US defense doctrine which is based on development of sufficient military capability for effective deterrence of war. The Soviet Union has built strategic offensive forces capable of effective counterforce missions against hard targets. The Soviets have deployed massive bomber defense forces and are improving these forces almost daily. The Soviet civil defense program is of enormous scale and has the potential to substantially reduce Soviet population loss even in a large scale nuclear exchange. However, only through the deployment of large scale ballistic missile defense can the Soviets hope to prevent—rather than limit damage from—retaliatory attacks against important military targets and political targets.

There is a fundamental difference between a unilateral Soviet ABM capability in addition to their great advantages in strategic ballistic missiles, especially ICBMs, civil defense and bomber defenses, and the strategic situation we seek to emerge as a result of the SDI. A Soviet monopoly in ABM defense capability—or a base for a rapidly deployable one, covertly developed and deployed in violation of the ABM

Treaty—is a serious threat to our security and the peace. We must deter such a Soviet development.

At this time we are looking at a series of military response options to a Soviet ABM "breakout." Possible options run the gamut from an increase in our strategic force capability—either inside or outside of existing arms control constraints—to actions that would result in improvements of our near term deployment potential for missile defenses of our own. Any military response to the type of potential ABM "breakouts" projected by the intelligence community will be expensive. We must have Congressional support if we are to credibly threaten such a response to a Soviet ABM Treaty "breakout." Otherwise, we would simply encourage the Soviet Union to futher erode the ABM Treaty and move toward a "breakout" or quite possibly a "sneakout" from that agreement. Our ability to deal with the covert deployment scenario is even more critical because this is obviously the route the Soviets would like to use. It could mean reacting not only to clear evidence, but also to ambiguous evidence, because such evidence would probably be the only type we would get if the Soviets choose a covert deployment approach. And, as noted, we have observed a pattern of Soviet conduct that indicates that they are improving their capability to deploy a nationwide ABM system.

Violations, however, are more significant than the immediate military consequences of the acts themselves. They raise questions about the integrity of the arms control process that may be far more significant than the short-term military impact. Despite much rhetoric in the 1970s about the terrible consequences to the Soviet Union of arms control treaty violations, it is clear that these treaties are extremely difficult to enforce. There are those who even now demand standards of proof that simply cannot be met by national technical means of verification. There are those who argue we should ignore violations because they are not militarily significant. Others suggest that these Soviet violations are somehow our fault—we have not been tough enough with them in the Standing Consultative Commission (SCC). Some even suggest we should sweep these issues under the rug because they spoil the climate for future arms control.

There has been some criticism of our decision to make public these Soviet violations. The most fundamental misconception fostered by the advocates of this view is that somehow Soviet arms control violations are our fault because until recently we have not raised SALT II issues in the SSC. This is simply not true. We began raising SALT II issues in the Spring 1981 session of the SCC. We have also raised them through senior diplomatic channels. We called for a Special Session of the SCC in 1983 which the Soviets refused to attend.

The fact of the matter is that the SCC has been largely unsuccessful over the years in resolving serious compliance concerns. It is, after all, only a forum for meetings between the US and the USSR, and nothing constructive can emerge if one side refuses to acquit itself in a constructive manner. It has no judicial powers. Unfortunately, previous administrations have exaggerated its effectiveness in order to sell unverifiable arms control agreements to the U.S. Congress. Ambassador Paul Nitze was correct in 1979 when, during the SALT II hearings, he testified that: "They [compliance concerns] were resolved by accepting what has been done in violation."

One can debate whether the issues of the 1970s were violations or circumventions or a mix of both. There is no doubt that the Soviets have proven remarkably adroit at exploiting ambiguities in arms control agreements to proceed with activities that it was the intent of one of the parties—us—to preclude by treaty. In doing this, the Soviets have not hesitated to mislead us, deliberately and all too successfully, in order to achieve their purpose. While we regard the spirit of agreements as a guide to their implementation, the Soviets do not. They care nothing for the spirit of agreements, and when it suits their purpose, little more for their letter. This is a sad commentary; the truth is not always happy.

The current rash of Soviet arms control violations did not happen by accident. It resulted from the fact that our behavior vis-a-vis their non-compliance with signed agreements convinced the Soviets that they could get away with these acts. We did little in response to repeated Soviet violations of the LTBT during the 1960's and 1970's. We resolved many SALT I compliance problems by accepting Soviet behavior as legitimate. We resolved the SS-19 "heavy" missile issue by accepting the SS-19 as a "light" ICBM. There are now 2,000 warheads aimed at us on SS-19 missiles. We resolved the launch-control silo issues by accepting the legitimacy of launch-control facilities that are nearly identical to missile silos. We resolved the deployment of an ABM radar to Kamchatka by accepting it. We resolved the expanding pattern of Soviet concealment activities by ignoring them. During the 1970s we resolved the issue of Soviet testing of SAM missiles in the ABM mode by pretending it had stopped.

The SCC is basically a technical forum to deal with ambiguities. The problem however is violation. These can only be resolved at the political level. We plan to make the compliance issue a significant element of new arms control negotiations with the USSR.

We now need a bipartisan effort to bring Soviets arms control violations to an end. Rationalization of such Soviet activities can only encourage further violations by the USSR. Arms control without Soviet compliance is little more than unilateral disarmament by the United States. We must now create penalties for violations that deny the benefits of the violations to the USSR. By penalties I mean US responses which deny the Soviets the benefit of the advantage they gain from a violation. This could involve research, development, or deployments which at least offset the advantage obtained by the Soviets. It need not be a tit-for-tat. It may not suit our purposes to build a Krasnoyarsk Radar in Wyoming. But we cannot continue to impose upon ourselves a double standard that amounts to unilateral treaty compliance.

Senator WARNER. Thank you, Mr. Perle. The Chair will establish a 7-minute question and answer rule this morning, thereby enabling as many members as possible to ask questions, and then we will hopefully have a second round of questions. I would like to lead off.

Your historical perspective, indeed, the whole tenor of your comment this morning almost casts a doomsday aura over the arms control process. What value do you attach to the ongoing process, and is it correct for this country to raise the hopes and expectations not only of Americans but of the whole free world, that we can achieve anything more than we have achieved in the past?

Mr. PERLE. I think it is most unwise to raise hopes and expectations beyond the degree that our historical experience will justify, and I think there is a tendency to do that. Perhaps I could put it this way. The United States has today 8,000 fewer nuclear weapons than we had in 1967.

Senator WARNER. Why do you not use the bench point 1969? You use 8,000 more for the Soviets from 1967 in your testimony. If you were to use the benchmark 1969, how does it compare?

Mr. PERLE. Well, the process of unilateral American reductions in the number of nuclear warheads to be precise began in 1967, which was the peak year. By 1969, I would imagine that several hundred had been removed. So we must have something on the order of 7,000 fewer nuclear weapons today than we had in 1969. I would have to check the exact figure.

Senator WARNER. In contrast, the Soviets have 8,000 more?

Mr. PERLE. In contrast, the Soviet have 8,000 more in the strategic area and many more beyond that of a nonstrategic nature. Now, with respect to megatonnage, the current U.S. force has about one-quarter of the megatonnage we had roughly in the 1969 period, so the number of weapons and the megatonnage of those weapons has been steadily declining.

Two years ago, roughly 2 years ago, the defense ministers of the NATO Alliance agreed to remove an additional 1,400 nuclear warheads from the American forces deployed in Europe. I happen to have chaired the committee that made the recommendation to reduce the number of weapons by 1,400, and let me say that very early in the deliberations of that committee we considered whether we ought not to approach the Soviet Union with a view toward negotiating reductions of weapons of those categories, and we came to the conclusion unanimously that it would be unwise to engage the Soviets, because if we were serious about reducing the number of nuclear weapons, we ought to proceed to do it without negotiation, because once we began the process of negotiation, it might be years, if ever, before we could get those weapons out of the field. We thought it was time to take them out of the field.

The point I wish to make, Mr. Chairman, is that it is possible to reduce the number of nuclear weapons in the world. It has been possible to do so. We have done so. But we have done so unilaterally, and the results have been far more impressive as a consequence of our unilateral efforts than through the process of negotiation, which has not only failed to reduce the number of weapons, but has actually permitted very sizable increases in the number of weapons.

In my judgment, the principal factors affecting the size of American strategic and theater nuclear arsenal are considerations of military requirement, budget levels, planning and programming on the part of the Government of the United States, and those levels have little or nothing to do with negotiated arms control agreements between the United States and the Soviet Union.

So, while I think it would be unwise to unreasonably raise hopes and expectations for the process of bilateral negotiated arms control agreements, I think there is room for optimism that with appropriate modernization we can contain the level of weapons, at least the level of weapons deployed by the United States.

Senator WARNER. So what value do you attach to the arms control process?

Mr. PERLE. I think we are wise to keep trying. We are wise to keep trying to see whether agreements can be reached with the Soviets that would bring about the kind of significant reductions that we would like to see and that we think most of the world would like to see.

Senator WARNER. All right. Assuming we do have a measure of achievement and come with an agreement, what provision would you incorporate in that agreement to provide for the agreement to be self-enforcing?

Mr. PERLE. I have though about this a great deal, and it seems to me that building incentives into the agreement to adhere to the terms of the agreement should be a critical priority in any future negotiations. It is not obvious to me how one does that.

One possibility which is entirely unilateral in nature is to make plain to the Soviet Union that there are things we are capable of doing that we have refrained from and will refrain from doing so long as the Soviets comply with the agreements that exist between us, and in the event of noncompliance we will proceed to undertake those programs.

Senator WARNER. And that would be in the technological advantage area?

Mr. PERLE. That is certainly one area that we could look at.

Senator WARNER. And SDI would be an example of that?

Mr. PERLE. I think we are wise to pursue a research program of strategic defense for a variety of reasons unrelated to arms control, including the fact that the Soviets have a vigorous SDI research program, and as I indicated earlier, may actually now be breaking out of the ABM Treaty.

One idea, and it is only an idea, and I realize it has a lot of limitations, but I think it makes the point, would be to establish something on the order of a trust fund, an amount of money authorized by the Congress every year during the lifetime of an agreement, the funds to be expended if there is a violation of the agreement. Then the Soviets would know that the consequences of a violation would be to release funds for additional defense programs spending levels that would not otherwise be authorized, and this would have to be, if it were to make any sense, separate and apart from the normal process of authorization and appropriation for the defense budget.

But suppose there were a $5 billion trust fund today and the Soviets knew that the construction of that radar at Krasnoyarsk would release a $5 billion United States investment. They might have thought twice about it.

Senator WARNER. My last question. You expressed concern about the ABM Treaty, the alleged violations of that treaty. You even used the word that they could be on the threshold, or something to that effect, of a breakout. Would you suggest in the context of the present arms control negotiations that each side formally try and reaffirm that treaty at this time?

Mr. PERLE. I think the reaffirmation of the treaty that is being violated is very different from securing compliance. I believe that we ought to insist first that the Soviets take action to comply with the treaty, and then that it be reaffirmed, but I would not reaffirm that treaty in the absence of a resolution of the current compliance concerns that we have.

Senator WARNER. That would involve literally dismantling that radar?

Mr. PERLE. They would have to dismantle the radar. They would have to cease forever the practice of testing surface to air missiles in an ABM mode, and I think we would have to look very closely at a borderline case, which is the development of this highly transportable radar that could be deployed rapidly in large numbers.

Senator WARNER. Lastly, the question is, do we enter that type of approach with clean hands in terms of our compliance with the ABM Treaty?

Mr. PERLE. Absolutely; we have an elaborate mechanism in place, a large number of Government lawyers in virtually every agency of the Government even remotely associated with these matters who pour over our plans and programs. We must obtain specific approval to proceed in any area that might conceivably touch the agreements that exist between us.

Senator WARNER. The Soviet position that we are in violation is just a sham?

Mr. PERLE. I believe that is correct. In fact, the pattern of Soviet allegations follows very closely the issues that we have raised with them, so we raise a question and shortly thereafter they raise a question of a similar nature.

Senator WARNER. Thank you.

Mr. Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Welcome, Mr. Perle. I have read your testimony relative to the violations, and I am wondering whether or not you feel that these violations are of such a nature as to justify our renouncing the ABM Treaty.

Mr. PERLE. I think the issue of how we ought to respond to these violations is not yet settled as a matter of administration policy, so let me say that at the outset. For the time being, the United States is conducting its own strategic defense program entirely within the terms of the ABM Treaty.

We have made adjustments to our research program in order to take account of strict compliance with the terms and provisions of the ABM Treaty, so terminating the ABM Treaty at this point would not significantly affect our current program, and for that practical reason I do not see any obvious advantage in renouncing the ABM Treaty at this time.

Senator LEVIN. So you have not recommended that we renounce that treaty?

Mr. PERLE. I have not.

Mr. LEVIN. Do you think that treaty serves us in good stead today?

Mr. PERLE. Well, as I have indicated, it is being violated, and a treaty that is not adhered to on one side is hardly serving our fundamental purposes.

Senator LEVIN. Is there any advantage to our adhering to it?

Mr. PERLE. I think the issue is fundamentally a political one. From a technical point of view, I doubt that there is much the Soviets could or would do outside the treaty that they are not already doing.

Senator LEVIN. Do you see any advantage in our adhering to the treaty personally?

Mr. PERLE. Again, I believe the issue is fundamentally a political one There is a nostalgic attachment to the ABM Treaty, and it would be a wrenching political debate if we were to withdraw from it.

Senator LEVIN. Do you personally see any advantage to adhering to it?

Mr. PERLE. Only the political advantage involved in avoiding a wrenching political debate.

Senator LEVIN. Do you personally recommend now that we continue to adhere to it? Is that your continuing personal recommendation?

Mr. PERLE. Yes, I think for the time being because our programs are unaffected by the ABM Treaty, because we have no desire to deploy the sort of ABM that is prohibited by the treaty. There is no reason why we should not continue to adhere.

Senator LEVIN. Other than the nostalgic value that you do not share, you do not see any particular advantage in continuing to adhere to it?

Mr. PERLE. It clearly is not constraining the Soviet Union from doing the very things that the treaty was intended to preclude, such as deployment of large phased array radars.

Senator LEVIN. Would the anwer to my question be yes?

Mr. PERLE. I am sorry. I want to be sure.

Senator LEVIN. You do not personally see any advantage other than the political one where some people feel nostalgia about it?

Mr. PERLE. I think that is right, and as a matter of fact, our conception of how the Soviets might break out of the ABM Treaty at the time the ABM Treaty was signed was, I think, a rather narrow one for the most part. We envisioned a defiant act by the Soviet Union if they would take highly visible and even publicized actions inconsistent with the treaty.

What we may face is a rather more insidious erosion of that treaty in which a series of small actions, and some of them not so small, constitute a breaking out of the treaty, but without a clearly defined point at which the treaty for practical purposes ceases to exist, and I do not think we adequately considered how we might respond to that sitution at the time the treaty was signed.

Senator LEVIN. Have the Joint Chiefs of Staff studied the military significance of the violations that you have outlined?

Mr. PERLE. I believe they are even now investigating the military implications.

Senator LEVIN. So far as you know, they have not yet reported on the military significance of those violations?

Mr. PERLE. I do not think they have reported in a definitive way. I know there is a lot of paper in the mill.

Senator LEVIN. I am wondering, Mr. Chairman, if we could ask the Joint Chiefs for their assessment of the military significance of the violations which have been enumerated in this report.

Senator WARNER. If the Senator could provide a letter for the committee to be forwarded, without objection, it will be done.

Senator LEVIN. I understand the Soviets now have claimed that we also have violated the ABM Treaty with our Pave Paws radars. Is that accurate, that they have made those claims?

Mr. PERLE. Yes, I think after 2 years of raising the Krasnoyarsk radar the Soviets have now responded in kind.

Senator LEVIN. And the argument that they are making is that the Pave Paws radars cover part of our territory. Is that their claim?

Mr. PERLE. No, I believe that the question they have raised is that the radar upgrade we plan for a site at Fylingdales in the United Kingdom would constitute a violation because it is not on the periphery of the United States and facing outward.

Senator LEVIN. Have they not opposed the radars that are on the continental United States?

Mr. PERLE. I am not aware that they have done that.

Senator LEVIN. They sure did when they were here in person a few months ago. They had all kinds of maps they were showing me showing that those radars were covering territorial United States and they knew where every one was. I guess it is not classified where our radars are.

And they were showing me lines that the eastern seaboard was covered by the one in Florida and that the western seaboard was covered by the one in Texas, and the northern territory was covered by the one in Maine, I believe, and that represents a pretty significant portion of the population.

But as far as you know, they have never claimed that our radars cover part of our territory and therefore are not totally facing outward?

Mr. PERLE. No, I am unaware of the Soviets claiming that.

Senator LEVIN. That is interesting. Relative to your question—your answer about the 8,000 warheads, and this will be my last question, because I am out of time——

Mr. WARNER. Let me interrupt the Senator. I think our witness wishes to——

Mr. PERLE. I have asked my colleague to write me a note on that subject, and I will try to respond.

Senator LEVIN. Relative to your warhead reductions, I have seen your statement about reduction of 8,000 while they have increased theirs by 8,000, and I understand you have indicated that that includes the battlefield nuclear weapons, but what you are telling us today is that you have joined in the recommendation relative to some of that reduction.

Mr. PERLE. Yes.

Senator LEVIN. And you have done that because you felt that our security would either not be injured or indeed would be enhanced by our reducing the number of warheads in our inventory?

Mr. PERLE. That is correct.

Senator LEVIN. So that the fact that we have reduced the number of warheads is not a sign of weakness, or that we have undermined our security necessarily.

Mr. PERLE. No, certainly not. I do not believe that simply acquiring and retaining warheads is necessarily in our security interest, and I believe that our forces ought to be held to the minimum force consistent with our security.

Senator LEVIN. We have also reduced the megatonnage at your recommendation, I believe, as well, have we not?

Mr. PERLE. Well, much of that reduction had come earlier, but I think there is still room to reduce megatonnage, although I must say, Senator, that this requires a process of modernization. It is the replacement of fewer and more effective weapons, smaller weapons with lower yields.

Senator LEVIN. But my point here is that you have supported the reduction in our megatonnage, for whatever reason.

Mr. PERLE. Yes, indeed.

Senator LEVIN. Feeling that we would be made more secure or at least not less secure in the process?

Mr. PERLE. That is correct.

Senator LEVIN. That is pretty good evidence that megatonnage is not by itself evidence of who is ahead or who is behind, because here is somebody who I do not think anybody would accuse of ever recommending something that would undermine our security who has recommended a reduction in megatonnage.

So when we look at these megatonnage charts, at these warhead numbers charts, we ought to quit saying the number of warheads is a measure of who is ahead or who is behind, or the measure—by the way, it is one measure, or megatonnage by itself is the best measure of who is ahead or who is behind, because I think we have it on pretty good authority here this morning that you can reduce your megatonnage and be stronger.

And I think that is important testimony. I think it is accurate, by the way. It is accurate testimony. And all of us have fallen into looking at these measures much too simplistically, including myself. I am not pointing the finger at others.

I think all of us, we have to find measures of how do you judge Soviet and American capability. We struggle to find who is ahead, who is behind, who is stronger, are they getting stronger faster, are we getting stronger faster, so we look at these measures.

But my point here is that the megatonnage measure which is pointed at too often as the best measure of who is ahead and where they are significantly ahead is also something where you have recommended reductions, feeling that it did not undermine our security or at least was consistent with our security, and I think that that is forthright testimony, and I welcome it.

Senator WARNER. If the Senator will yield, of course, that is in the face of a considerable program by the Soviets of hardening their strategic assets which creates the need for greater accuracy in our forces. I do not think you could take one out of the context of the other.

Senator LEVIN. I agree with you. We have substituted more accurate weapons with less megatonnage. Absolutely. That was part of his answer. All I am saying is, if we look at these megatonnage charts, they are ahead of us two to one or three to one or four to one in megatonnage. Standing by itself it is not much of a measure when we have Mr. Perle saying he has recommended reductions in megatonnage.

Senator WARNER. The disparity between the hardening program in the United States and the hardening program of the Soviet Union——

Senator LEVIN. You look at other parts of it to get the whole picture. I agree with you. But that is not usually what happens. We see megatonnage charts. We get them every year in our overall assessment, look there they are in megatonnage.

They are three or four to one ahead of us. They are more ahead of us now than they were 3 years ago. We wiped out the Titan through reduced megatonnage even with the Pershings. Pershing II has less megatonnage than Pershing I.

Senator DENTON. Would the Senator yield? He did say modernization, and I believe he also includes modernization in the sense of our missiles, not just hardening. We do have to make them more accurate, and so on.

Senator LEVIN. Absolutely.

Senator DENTON. So I think it is important to emphasize that megatonnage is not the argument. If, however, that is the only argument that people understand, then it is obviously more useful than the modernity argument, which they do not understand.

Senator WARNER. The Chair will now recognize the Senator from Indiana.

Senator QUAYLE. Mr. Chairman, I am going to yield to Senator Wilson, since he has a speaking engagement.

Senator WILSON. I thank my friend. And I would ask the chairman if he will allow us to do that. Let me first thank the Chair for convening this hearing—I think it is one of the most important we have had—and, I think, the succinct but eloquent statement of its importance.

I think it is a preview of what is some of the most important testimony since I have been in the Senate. I congratulate Secretary Perle on the remarkably lucid and honest exposition. I think he is right that we should not raise false expectations. He has said so much already.

Let me just make this point. I think that he has made clear through the summary of the violations and extensive documentation of them that in fact the Soviet Union has violated almost all the important arms control agreements since 1963, yet he says that we ought to keep trying, and I quite agree with that.

But I think his point is well taken that in light of that history, that, to quote him again, the United States ought to take very great care indeed in signing arms control treaties.

He made, I thought, a very good point a moment ago when he said reaffirmation of these treaties prior to securing compliance is not a productive step, and I think he is right. If these treaties are to mean what we want them to mean and what we hope them to mean, then clearly there must be compliance.

I am telling the chairman what he already knows. He stated it in his own statement. The point really, though, is, how do we achieve that? And if it makes no sense to reaffirm broken treaties before they are in fact complied with, then I would ask, Mr. Chairman, whether it makes much sense to enter into new treaties before old ones that have been broken are complied with. It would seem to me that if the Soviets indeed wish these agreements, it is because they see some advantage to themselves.

And I suspect they are more motivated by that than any mutual advantage that they see, so perhaps we should be considering, we, the Senate, since it is our role to do so, whether or not we will withhold ratification of any new treaty, even one that we think is desirable, until we have been assured of compliance with existing treaties.

To the extent that they are not supplanted, treaties that have been violated, I think, must be complied with, Mr. Chairman, or else what we are doing by entering into such agreements is constraining ourselves while the Soviets violate them with impunity.

Clearly if that pattern continues it means that they grow stronger as we grow weaker. We are hobbled by our own good intentions, and they are in no way constrained.

Now, I am particularly grateful for the clear statement that Mr. Perle has made with respect to the Krasnoyarsk radar. I was disturbed recently to read that in the State Department there was a view that perhaps things could be set right simply by the testing of it that would show that the Krasnoyarsk radar was not in fact a battle management system, but simply an early warning system and a conventional permissible air defense system.

He has made quite clear the dangers that are inherent in the existence of that radar, given its present orientation, siting, and capability. So I would simply ask this.

Is it not enormously unwise for us to gloss over its siting, its orientation, and its capability and engage in some test that will allow it to satisfy its obvious ability as an air defense mechanism, but to totally gloss over its antiballistic missile capability, to do that, it seems to me, is to say that a tiger quacks like a duck. I think that is a very serious mistake.

I think, Mr. Chairman, that is something that this committee and this Senate are going to have to come to grips with, and that is the basic fact of systematic cheating.

There has been a pattern of violation, an expanding pattern, to quote Secretary Perle, and what that means to me and what the telemetry encryption means, perhaps more significantly than anything else, is that the Soviets are serious about arms control agreements because they think that we will be constrained and that they will not have to.

Now, unless we can teach them otherwise, that there is a cost for noncompliance, it is a pattern we can only expect to continue.

So I would—I was prepared to ask these questions directly to Secretary Perle. I would invite his comment. I think he really has responded. He said the administration has not yet come to grips with what should be the proper response.

That is certainly a candid statement, and one that I regret. I think that we had better make clear to the Soviets early on what our position is going to be or else we may waste a great deal of time and, much worse, seriously hobble our ability to deter a nuclear exchange.

Mr. **Perle**. If I may comment, Mr. Chairman, Senator Wilson, thank you very much for that very clear and concise summary of the situation we face. I think you have it exactly right.

I think a strong case can be made that the past pattern of arms control agreements with the Soviet Union has consisted of generally permissive agreements that conform largely to Soviet building plans adjusted only slightly, and where adjusted, ultimately violated.

And that is not a very promising way in which to negotiate agreements, and indeed it is entirely possible that the reason why an agreement has proved so illusive these last 4 years is that this administration has departed from the past practice and has proposed to the Soviet Union agreements that we know would significantly alter the pattern of their deployments because they require deep reductions from existing force levels, and it may be for that reason that the Soviets have been reluctant to respond positively to the proposals that we have made.

And here I would only make the point that I think we have to go on trying but with a new standard for resolution, a new standard for success, if you will. Success does not reside simply in signing an agreement that is permissive and likely to be violated, but in signing agreements that will have significant military consequences, and that are balanced and can be adequately verified.

We have tried very hard to put forward proposals of that character. The Soviets would prefer to go back to the old approach, which they have found so comfortable in the past, and I think it is inevitable that the type of agreements this administration is attempting to negotiate is going to be a lot more difficult to obtain than the sorts of agreements that have been reached in the past.

We will not succeed without a good deal of support in the country and in the Congress, and I hope there is an appreciation in the

Congress that agreements worth having are worth waiting for, and I understand the tendency to disappointment when the negotiators meet and they do not conclude an agreement.

But we are resisting, I think rightly, the temptation to settle issues as they have been settled in the past, by signing treaties that largely conform to Soviet building practices, and that where they do not will ultimately be violated.

And I very much appreciate the point that we ought to obtain compliance with existing agreements before we conclude new ones, and it is inconceivable to me that we would sign new treaties that did not entail complete compliance with the treaties that preceded them to the degree to which they covered the same subject matter.

With respect to intermediate nuclear forces, where there is no prior treaty, I can imagine a separate and new treaty in that area, although it is proving quite difficult to get the Soviets to agree. But with respect to antiballistic missiles and strategic offensive forces, it seems to me that we would be most unwise to sign a new agreement that permitted violations of old agreements to continue.

Senator WILSON. Thank you very much.

Thank you, Mr. Chairman, and I thank Senator Quayle for his generosity.

Senator WARNER. Regarding the Senator's statement, how does that cut to the constitutional division under which the executive branch has the authority to negotiate, and we simply are involved in the ratification process after the fact? Would it be a violation of our constitutional responsibility or the prerogative of the executive branch were we to lay down the gaunlet and say no ratification unless——

Senator WILSON. Well, that is an interesting question, and I think probably the court if confronted with that would say that that is a political question that they would step back from.

Senator WARNER. Thank you.

Mr. Kennedy?

Senator KENNEDY. Thank you very much, Mr. Chairman.

Mr. Perle, I think all of us are impressed by the list of the alleged violations by the Soviet Union of a whole series of different agreements over the period of the past 20, 25 years.

You have made this presentation to us this morning, a few months ago, and a little over a year ago. It has been almost 2 years now that the administration has known about these various alleged violations.

In your own statement this morning on page 8 you said:

> We did little in response to repeated Soviet violations of the LTBT during the sixties and seventies. We resolved SALT I compliance problems by accepting Soviet behavior as legitimate. We resolved the launch control silo issues by accepting the legitimacy of launch control. They are nearly identical to missile silos.
>
> We resolved the deployment of ABM radar by accepting it. We resolved the expanding pattern of Soviet concealment activities by ignoring them. During the seventies we resolved the issues of Soviet testing of SAM missiles and the ABM by pretending it had stopped.

It may be different in terms of the military significance, but it has been 2 years, and we have a right to know when is the administration going to do something about it if they are serious? It is 2 years. Your response to an earlier question is how to settle a violation that is not resolved within the administration. That is not an acceptable response.

We hear nothing in your testimony this morning about what diplomatic initiatives have been presented, what has been the reaction of the Soviet Union to these, what efforts are being made by the administration to deal with this, this testimony is what we had 2 years ago, and you sit here—I am amazed you can still be a part of the administration if you are as concerned about these matters as you appear to be.

I mean, I would think, given what you said 2 years ago, given what you said this morning, given your own kind of position about this, given your own strong feelings, given the fact that the administration has refused to put forward any kind of efforts to resolve these kinds of questions, given the division even within the Pentagon on the whole question of Krasnoyarsk, Pentagon studies that came out, I guess, within the past—in the very recent times.

The study also reviews the SDI report, Government Charges Soviet Violations of the Treaty, finds that the new large radar facility being built in central Siberia, is inconsistent with the treaty provisions, but it concludes U.S. fears that the facility could lead to a ballistic missile defense are exaggerated. It would be of questionable utility when faced with a U.S. missile threat in the 1990's, the study says.

Different from where you are. Now, if the administration does not have its act together on these violations, how do you expect the American people to understand what should be the negotiating position, particularly when there are a number of people here who are observers to those arms control negotiations?

What are we going to have another year from now? Are you going to come back up here? This is a very eloquent statement you make, a very eloquent presentation. That is just effectively what you had a year ago. And you say that the Joint Chiefs of Staff are developing a lot of paper—I think the words were "Joint Chiefs have not reported, and there is a lot of paper in the mill."

And when you come up here and you testify about the significance of these violations and its importance from your perspective in terms of the military significance of it.

Now, I am just surprised—you have had extraordinary service on the Hill and in administrations—that you can just continue to put up with it. When are we going to get some kind of policy from this administration on these matters?

That is, you are either going to deal with these issues and come back to report to us that this is what has happened, but on that issue, other than the general kind of statement that we have brought up with the Consultative Committee, and we brought them up in diplomatic channels, I think, was the extent of what your response has been in terms of what we are doing in terms of these violations.

I would be interested in your response.

Mr. PERLE. Well, Senator Kennedy, I understand entirely the frustration facing a situation where the Soviets are not in compliance and having no obvious recourse. I could have said a great deal more about the nature of the exchanges we have had with the Soviets. I did not wish to belabor the point.

Senator KENNEDY. I do not think you are belaboring it. I thought that was one of the purposes of this meeting, not only to hear, you know, what we have all heard, quite frankly. I mean, we have had the documents in terms of the President's report, his confidential report, your own statement. We spent a good deal of time listening to it before. It is very eloquent, but very repetitive, quite frankly, and we would like to ask, when is something going to be done about it, and it is not repetitive to indicate that since the last time you were in here protesting these violations, to hear what you have done about it. That is a reasonable question.

We are not belaboring the point. And I would suggest that if you have got some actions that have been taken, and that they are of an important, secret kind of nature, that we have the opportunity to hear that in closed session, and if you do not, then we ought to know that as well, so that we know where accountability ought to lie.

Mr. PERLE. I can only say that with respect to our diplomatic initiatives, and I will refrain now from discussing the deliberations in the Standing Consultative Commission because we have a confidentiality rule, but you can take it as given that we have extensively discussed each of these violations in the SCC.

Senator KENNEDY. Is that the answer you are going to give a year from now? You have indicated that they have been meaningless.

Mr. PERLE. In addition to that, these issues have now been discussed at the highest levels of government. I happen to have been present when they were discussed at a meeting in Geneva between the Secretary of State and the Soviet foreign minister. So we have made every appeal that it is possible to make at that level of government.

Now, beyond simply appealing to the Soviets, I think it is clear that the only thing that remains beyond that would be to take action, to take action that would either neutralize the consequences of the violation or impose a sufficient penalty on the Soviet Union of some other nature so as to discourage them from persisting in the violations.

But frankly, it is not clear to me how after having voted to freeze the defense budget, one can then turn around and accuse the administration of ficklessness, as I think you have done, in responding to a violation with the most obvious way in which you might respond, which is by the deployment of our own forces, a deployment that has been now inhibited by action of the Senate that I imagine you supported.

Senator KENNEDY. Well, Mr. Perle, do I understand that your general response then is that we are going to deal with all of these violations, what, by an additional percentage of income in defense? Is that your response, that we cannot expect any diplomatic response either by you or the administration?

You have indicated that one of the reasons, the knocking on the door which you talked about, like a thief in the night, you know, the last time you were here, they are constantly going to be probing us, that the failure of administrations, Republican and Democrat, over the last 25 years has encouraged them to continue these violations, and your only response is more, bigger defense dollars.

There is nothing else that you are prepared to recommend here this morning. I gather that is what is included in your response. I just want to make clear that evidently unless you have some other areas, you have indicated that they brought this up in Geneva.

Evidently there has been no response there. So your response is, in terms of all these violations of these treaties, that is, in response to Senator Levin, a question about abrogating ABM, you do not recommend that we abrogate any of the others, you criticize past administrations for just continuing going along, and yet you are prepared to say here this morning effectively we ought to go along as well.

And I just think that that is an unacceptable response to this series of violations. I dare say I will look forward to our next meeting 3 months from now when we will review the violations, you will come back and make a very eloquent statement, we will have this reprinted in a different form and shape, and we will continue to see the Soviets effectively knocking on other doors, because that is just what you have pointed out is going to be the reaction, and you do not tell us how you are going to keep them locked.

Mr. PERLE. Well, one of the treaties that is now being violated, the SALT II Treaty, had it been ratified, would have expired at the end of this year, and the administration is now addressing the question of whether we will continue to be bound by those limitations——

Senator KENNEDY. Could I ask you for your recommendation on that, because my time is up.

Mr. PERLE. I have not made a recommendation on that.

Senator KENNEDY. You have not made a recommendation on that issue, either.

Mr. PERLE. I think the point you have made here today strongly suggests that is one area where we ought to look for a resolution. Maybe you have got some terrific idea that you are not sharing with us. I would love to hear it. But it is far from obvious how, when treaties fail; one persuades the Soviets to desist from a course that they have obviouly set up.

Now, one possibility might be to examine, in light of that behavior, how we will deal with the expiration of this never ratified treaty.

Senator WARNER. Senator Quayle?

Senator QUAYLE. Thank you, Mr. Chairman. I wanted to also congratulate you for having these hearings, and trying to get this information out in the public so we can have a public policy debate.

I dare say that people in this country, if they really knew all the information that Mr. Perle has given us today, and the fact that we comply with the treaties and the Soviets do not, that they would be outraged.

I think there is a basic feeling that you cannot trust the Soviet Union, but where we have specific items here, page after page, year after year, that the Soviets just flaunt treaties and violate them and we go along with it, it just simply does not make sense.

And I can tell you in discussions that I have had with folks back home on arms control and compliance, they are, quite frankly, aghast that the United States simply has a different concept of what a contract requires.

A contract or a treaty should require that both sides will live up to it. So I hope that we can continue to talk about these issues publicly. I also hope, Mr. Perle, and you note, perhaps that there is some bipartisan support here with Senator Kennedy's statement to do something about Soviet noncompliance.

At least I inferred that he may be willing, and I am not going to read into his comments—he can speak for himself—but I inferred that he is willing to play hard ball with the Soviets on this issue of compliance, and if that is the case, I think that you might take this back to the administration and factor it into your formulation of public policy if you might be able to come up with a lot tougher position that you thought.

Congress, of course, has got to be involved, and we always demand to be involved in treaty-like issues, and we are by the Constitution involved in such issues, so I hope that you make notice of that.

We basically have a couple of choices. We can just go ahead and let Soviet noncompliance continue. We comply, they do not. That is the way it has been in the past. We could say at the outset that, look, Soviets, we are not going to move forward on any other treaties until we get this issue of noncompliance down.

Either both sides are going to comply with the treaties, or what is the worth of going ahead and signing a contract or a treaty where we are going to comply and the other side is not? Or perhaps we can devise some way to have penalties if in fact the Soviets break out of the treaties or violate them.

But I think that it is time to get a little bit tougher, and I hope that we can move in that direction on this issue, because I think that it is absolutely ridiculous, what has gone on where we are able to identify case by case Soviet noncompliance and yet we go ahead and continue to comply with the limits they violate.

Along those lines, Mr. Perle, I would like to ask the question on the extension of the SALT II limits. This is going to be an issue that is probably going to come up in our defense authorization bill. I believe someone is devising an amendment, a sense of the Senate resolution that urges us to adhere to the SALT II limits.

I wonder if you might give us the relative advantages and disadvantages of doing this.

Before you do that, I have one real serious problem, and that is a constitutional problem, Mr. Chairman. We have not ratified that SALT II Treaty, and if you are just going to go ahead and extend these things without getting any kind of support from the Senate on this matter or requesting the consent, I think there is a real constitutional question here.

I would point out that if you extend SALT II limits that the Senate ought to review that and they ought to approve by vote. Otherwise, you are basically violating a constitutional requirement, and that is to get approval of a treaty that the administration wants to continue.

So, I wonder if you could give us the advantages and disadvantages of continuation of these SALT II limitations, because I can assure you in all probability it is going to be an issue when the defense bill comes before the floor in th next month or two.

Mr. **Perle.** Well, Senator, I think you have identified the first and most immediate consequence of continuing the SALT II limits beyond the date on which they would have expired, and that would be to continue adherence on the part of the United States to a treaty that is being violated by the Soviet Union, and that would establish a double standard that I think would be unwise, and I think that the American people would regard as unwise.

Second, I believe it is the case that if the SALT II limits were continued beyond December 31 of this year, the United States would be required to dismantle a rather large number of weapons in order to remain in compliance with some of the provisions of that treaty over the next 2 or 3 years, a significantly larger number than the Soviets would be required to dismantle.

Now, how the balance of forces would look 1 year later, 2 years later, 3 years later, in the absence of the constraints of the SALT II Treaty entail intelligence projections and judgments about probable Soviet behavior. It is very difficult to make those judgments.

It does seem to me that the rigidity of the Soviet planning process is such in relation to a very permissive treaty and a treaty that is being violated in the areas where it is not permissive enough, I think that Soviet behavior freed from the constraints is likely to be just about the same as Soviet behavior under the constraints for some period of years, at least for that period of years during which the rigidities of their planning process would make it difficult or impossible for them to alter the program that they have set upon.

So, I do not think that from a military point of view there would be a significant difference in the threat we face if the limits were allowed to terminate at the end of the year. If I may, if Senator Kennedy is leaving, I did want to respond to one point that you made about Senator Kennedy's intervention.

That is to say that I very much appreciate the concern that he has indicated at the failure thus far to take effective action in terminating this pattern of violations, and I want to assure the Senator that at the next interagency meeting at which the issue of how to respond is under consideration, I will report to them that you are very much concerned and are demanding that we take some sort of action, because I think we are more likely to take action if we can be reasonably confident of bipartisan support in doing that.

Senator **Kennedy.** I think it is very important that you do, Mr. Perle, that you demonstrate that so that we are going to be candid with this committee, candid with the Senate, candid with the American people. And then we have a degree of accountability and responsibility in the areas of arms control, but I for one am tired of hearing of these gross violations. They come up repeatedly, and then there is virtually no action, so that is fine.

Mr. **Perle.** I am tired of talking about them. We are in agreement on this.

Senator **Quayle.** As I said, I think there is genuine bipartisan support that Mr. Perle is certainly going to take notice of.

I want to return to this question. Then my time is up. Let me just finish. Again, faced with this resolution, and faced with this issue on whether the limits ought to be extended or not, let me rephrase the issue. As for not extending the limits, you say that you do not think there will be any military liabilities you believe that the Soviets can modernize their strategic forces with or without SALT II limits and that the Joint Chiefs' concern about having some sort of treaty in place for political, diplomatic, and constraint reasons is not compelling from a military standpoint.

Mr. **Perle**. No, I find it entirely unconvincing. I believe it is the case that if we were to continue the limits beyond 1985, in the early period, we would be required to dismantle more weapons than the Soviets would be required to dismantle. And I do not expect growth of their forces beyond the growth permitted under the terms of the treaty as the Soviets interpret the treaty, and that is in a self-serving manner.

Moreover, as I think I have indicated, it would have the profound liability of essentially resolving our compliance concerns without the Soviets taking corrective action. To continue to abide by a treaty that the Soviets are violating would raise very serious questions about whether anything I have had to say today means anything or whether Senator Kennedy's expressions of concern or yours or Senator Wilson's mean anything.

I do not see how we can on the one hand complain about the record of Soviet compliance and on the other hand turn around and continue the treaty where we have found that they are in noncompliance, a treaty that the administration and this committee have argued is not in the national security interests of the United States.

So, it seems to me on both military and political grounds it would be very difficult indeed to justify continuing these limits beyond the date on which they would have expired, and I think you are quite right in raising the constitutional issue.

If the Senate is to conserve its constitutional authority to ratify treaties, then it would be unwise to permit the defacto construction of treaties in the absence of ratification. Let me hasten to say that this is a personal view, and this issue is under consideration within the administration, and I hope that my colleagues in the administration will see the situation much as we see it.

Senator **Quayle**. I can assure you that we will be debating it, perhaps even before you make the final decision.

Senator **Warner**. Senator Glenn.

Senator **Glenn**. Thank you, Mr. Chairman.

I guess I get worried in these hearings when we say we all agree, we all agree on something. But obviously we do not.

Mr. Perle, in any future arms control agreement, in any arms control agreement, there have to be three basic elements to it, I think. One is that we be able to verify what is going on, and you properly identified me as one who is very concerned about verification. I remember a number of meetings and hearings that we shared back in those days. It has to have verification. We are not going to trust the Soviets.

No. 2, there has to be a means of discussing potential violations or violations as we perceive them on either side. But No. 3, there have to be the penalties, as we have been discussing here a little bit. We have to be willing to take some sort of punitive action unless we are just to rely somehow on world opinion of some kind, which does not seem to work very well.

Now, it seems to me the only one of those three elements that we have in place really is the mechanism, the Standing Consultative Commission, with whatever its frailties may be, but we do have it in place as a means of discussing the violations, but it seems to me we have been weak on the first and the third of those.

Now, on verification, I have talked to the people that are negotiating over there now. We had Senator Tower in here the other day, and we all talked about that yes, this time we are going to insist on verification, yet I do not see anybody doing anything except just talking about increasing our means of verification.

We have relied on NTM, national technical means, for each side. I do not think that is going to be adequate for the future. We are getting to complexities now of cruise missiles and things like that that can be put—you can put 10 of them in your garage if you want to, if you had a pretty good size garage.

How are we going to verify things like that, whether they have a nuclear warhead, a conventional warhead, what the range is, and the fuel specific changes? We are getting into realms of verification here that are tremendously more difficult than we have ever had before.

Do you have any new approaches, or can you tell us today in open session about new approaches to verification that are going to help us out both with past treaties and future? And then I will get on to the other area.

Mr. PERLE. Senator, there are some new approaches under consideration.

Senator GLENN. Can you share those with us?

Mr. PERLE. In general, I can. What obviously I cannot talk about are intelligence systems as such, but we are attempting to refine the concept of on-site inspection. We have made proposals in connection with the draft treaty we have tabled in Geneva that would ban chemical weapons that require very extensive challenge inspection rights that we think might be effective or at least significantly and materially reduce the risks we would run in the absence of such a provision if we were to agree on a ban on chemical weapons.

We are looking at sensor technology that might assist on-site inspectors in measuring certain kinds of activity that could be associated with limitations, but I feel bound to say that my own view is that we ought not to enter into agreements that contain provisions that cannot be verified, and so when you run up against an insurmountable verification problem, and there are some, then we ought not to have limitations with respect to that.

Senator GLENN. I have made that point repeatedly, repeatedly, repeatedly with our negotiators over there, that if they come to something that we do not know we can verify, going on negotiating in this area has to halt and we have to get some sort of cooperative action to get verification or it is not going to sell once they get the treaty written.

Mr. PERLE. I think one very good example of this is the sea-launched cruise missile. As a practical matter we do not know how to verify the presence of sea-launched cruise missiles on board submarines, or indeed on board surface ships. Even if we could detect the missiles themselves, we do not know how to verify whether they are nuclear or nonnuclear.

The conclusion I draw from those facts is that we ought not to agree to limitations on sea-launched cruise missiles, because if we did so they would be unilateral in nature. That is, we would abide strictly by any limitations agreed upon, and would have no confidence that the Soviets were doing the same.

Now, I am not as troubled by that as some of my colleagues who believe that somehow an arms control agreement is less than whole if it does not cover everything, but in my view it is better to have a less than comprehensive agreement that can be verified than to have one that is comprehensive and cannot be verified.

To continue on this just a little, I think we have been negligent in the past in not requiring certain things that help us in the verification. The encryption is a good example. We did not require telemetry of a certain power and of a certain nature and cover certain parameters that we need to know. We said, OK, we will pick it up.

But it is easy. I do not see why we need that anyway. Actually, the only reason we need active telemetry on missile tests, for instance, is because the engineers like to watch the dials jump in real time during the missile test. We could just encapsulate that information, recover it later, and deny telemetry completely.

That is just one little example. So I think we need to be very much forthcoming in demanding certain things that with the Soviet society being closed as it is will help us to get the information that we need.

Another concept there, too, is the choke point concept. Nuclear weapons, for instance, need to be taken down every so often and have certain parts of them redone. Tritium has a half-life of 12 years. The warhead has to come down. If we can make a measure of tritium, does that give us an overall measure of Soviet bang power, if you will, the number of weapons they can have out there, rather than having to count every warhead on every missile which is absolutely an impossibility with all of them we have out there. Things like that, it seems to me, might help with verification.

In the penalties area, though, to get to my No. 3 point, if we are going to be willing to take punitive action, and if we are really going to make this more than just an opinion matter, then do you think we should be willing to take economic sanctions or make trade sanctions where we see violations?

Can we get our allies to cooperate in these areas? Are we thinking about doing some things like that in the penalty area?

Mr. PERLE. Well, Senator Glenn, we are not considering economic sanctions. I rather doubt that they would be effective. In any event, the tendency in the Congress is to go in precisely the opposite direction and gravely restrict the authority of the President to impose economic sanctions. There is now, at least in the House version of the Export Administration Act, a contract sanctity provision that would preclude interfering with any contract, I think, for 270 days.

So, it would not be a very effective sanction. I doubt that would work. It seems to me the sanctions most likely to be effective are the initiation or expansion of defense programs that would otherwise not be either initiated or expanded separate and apart from the regular budget, because then the Soviets could measure the price.

I rather suspect—I cannot prove this. I do not think anybody can—that when the question of the Krasnoyarsk radar came up, there was a meeting and somebody pointed out that it would be a violation of the treaty and a deliberate decision was made to proceed with that radar, and they developed a plan for how they would explain it and how they would deal with the criticism that they must surely have anticipated, and they decided they would see it is a space track radar, even though we do not believe that to be the case.

A quite conscious deliberate decision was made both to take action inconsistent with the treaty, to develop a cover story for it, and I think that was done with some confidence that we would not have an obvious response to make.

Now, had we indicated at the time that treaty was signed that we would respond in the event of a violation, we said we would, and I could find you lots of statements to that effect, but had we identified the things that we would do in response, then as those fellows sat around the table and decided whether to build that radar, they would then, to make a balanced judgment, that is, the advantages of the radar on the one hand and the disadvantages of the American action that would inevitably follow on the other hand, that has not been the case, and as a result it has been easy for the Soviets to make these decisions.

So, I think in future agreements we ought to pay close attention, both the executive branch and the Congress, in outlining the measures that would be taken in order to respond to a violation, in order to change the calculations that the Soviets make.

Senator GLENN. Page 8 of your testimony I was very interested in, as Senator Kennedy went through, and in fact I had already marked a lot of that, and I was going to bring up some of that myself, that we resolved these different things by the means that you outline there. It is a very impressive list.

I do not disagree, necessarily. We could discuss a couple or them, perhaps, but I do not disagree basically with the thrust of what you said on page 8 there, but I think we have to, in looking forward, we have to get verification. If we do not, any future treaty is going to run into the same problems that we had in the past on some of these, and any penalties that are going to come out of it are going to have to be understood probably going in also, the actions that we can take.

And I, too, am concerned, as Senator Kennedy indicated, I am very concerned, too, that we have not developed through any administration, not just this, but others, too, any real means except just, well, we will say you are bad fellows if you do not live up to this treaty, and they do not care whether we think they are bad fellows or not as long as they can get away with this.

And I would add one other thing. I know my time is up, Mr. Chairman. Only one other thing, and that is this. We tend to think of treaties quite often just in the ICBM and all of that, ICBM's and nuclear exchange mode, and when we get into chemical and biological weapons that you also mention here, the complexities of being able to verify those is even more complex than being able to count silos and missiles and make estimates on warheads. We are going to maybe have to come back to one of these equipment or chemical choke points as I described a little while ago. Maybe we can put people on site to make those measurements, at least as a start toward getting control of this as a little different way of approaching it.

So, I appreciate your testimony this morning. I think we really do have to come up with a series of penalties here and have that understood going in, that that will be what we want to do if they do not live up to these things.

Mr. PERLE. I agree entirely with that. With respect to the biological weapons, if I might take just a second——

Senator GLENN. How on earth do we go about verifying those?

Mr. PERLE. Well, we do not. In fact, we knew it at the time, and when we agreed in the early 1970's to ban the production of biological weapons for offensive purposes, it was clearly understood by those who made the decision that we would not be able to verify Soviet compliance with it.

And I think we have been rewarded for that decision by the expansion of a Soviet program of biological weapons that includes some very lethal technologies based on contemporary gentic engineering techniques that poses a very great risk to this country and to others. It is a whole new area. It is one that has received very little attention. It is an area where verification is extremely difficult, if not impossible.

And frankly, I think the lesson we should draw from this experince is that it is most unwise, even where we have no intention of carrying out a program ourselves, and that, of course, was the justification, that we had no intention of developing biological weapons, that we should refrain from agreements that we know are unverifiable. They are, if anything, an encouragement, a stimulus to those programs.

Senator GLENN. Nothing is 100 percent verifiable, but we have to have a reasonable shot at knowing what they are doing and living up to these things if we are going to make a treaty, and that has to be know going in, not after the fact.

Thank you, Mr. Chairman.

Senator WARNER. The Chair recognizes the Senator from Alabama, followed by the Senator from New Hampshire.

Senator DENTON. Thank you, Mr. Chairman.

I want to congratulate you, too, for having this followup to the previous hearing. I cannot think of an area of providing for the common defense that is more critical than the one that is being discussed today. It is my observation that the entire Senate is more knowledgeable about a particular tax bill or some minor bill dealing with a social appropriation or an insurance amendment that it is aware of the requirement for providing for our survival, but that is the issue.

It strikes me as obvious that it is very difficult for Mr. Perle or any other person involved in negotiations to recommend or undertake action when negotiations depend upon the strength from which they are being conducted.

The record of the United States, in what we did in Congress with respect to Vietnam, in Congress with respect to our effect on the executive regarding the Shah of Iran, the Beirut incident, the willingness on the part of many to condemn our action in Grenada before they bothered to find out what it consisted of, and now our blindness on Central America, does not make me particularly optimistic that even with the chairman's emphasis we are going to learn sufficiently detailed information on which to base intelligent opinions, much less intelligent positions in the Senate on this matter.

I cannot help but note that today the Speaker of the House, the House having overwhelmingly voted against $14 million worth of humanitarian aid to the freedom fighters of one entire nation, says that maybe they will vote some now because Ortega insulted them when he went over to the Soviet Union and saw the Soviet leader.

I cannot think of anything more absurb upon which to base a decision than up front stage management of an issue. I think that they ought to know what is going on in Central America and concern themselves with it—it is pretty obvious—and to deal with that rather than with whether Ortega made them look foolish after they voted the thing down.

So, to me it is like Alice in Wonderland here in the Senate to find myself with so many like that, unlike Senators Nunn, Glenn, and yourself, Mr. Chairman, who do take the trouble to find out what is going on. I must say that I do not think that you ought to have a very good response to those who are questioning on the basis of a number of articles in which it is said that, although the new large radar facility being built in central Siberia is "inconsistent with the treaty provisions," some experts "conclude that United States fears that the facility could lead to a ballistic missile defense are exaggerated."

In other words, there was quite a bit of talk in the media between your last appearance here, Mr. Perle and now about that particular indication that the Krasnoyarsk radar could lead to a ballistic missile defense.

They are saying that the present and future United States-Soviet antiballistic missile threat, threatens the ABM Treaty, and that the radar in question would have questionable utility when faced with United States missile threat in the 1990's.

Mr. PERLE. I do not know whose view that is. Is it attributed to anyone?

Senator DENTON. It is in the Washington Post. The Washington Post is quoting that from some group that was composed of the group headed by Ambassador Gerard Smith, chief negotiator of the ABM Treaty, along with John B. Rhinelander, legal counsel for the SALT I delegation, John E. Pike, Federation of American Scientists, and Thomas B. Longstreth.

I do not purport to present an article from the Washington Post as authoritative or accurate. Indeed, I suspect that on this matter I might have been mislead. But I do think that the thrust of that article should be addressed.

Is there anything you can say?

Mr. Perle. I think the story is undoubedly an accurate report of the views of Gerard Smith and Mr. Pike and others, who I believe are misinformed about the nature and implications of the radar at Krasnoyarsk.

I would be inclinded to be charitable to Gerard Smith, since he was the author of the ABM Treaty, and it is understandable that as we tend to be forgiving with respect to our children, I am not surprised that he takes a paternal interest in the ABM Treaty, and he undoubtedly senses that the construction of this radar poses a threat to the treaty that he negotiated.

The others, I think, are simply opposed to most United States defense programs, have been, will continue to be, and are undoubtedly alarmed not at what the Soviets are doing, but at the likelihood that we might respond to what they are doing. I think that is the clear implication of the kind of story to which your refer.

Senator DENTON. I know my time is about up, but on Pave Paws, is that the radar down in Texas, a long way from both coasts, facing south?

Mr. PERLE. I believe that is right. Subsequent to the earlier exchange that I had with Senator Levin, my colleague, Mark Schneider, advises me that the point the Soviet delegation undoubtedly made was in a meeting with some Senators, of whom Senator Levin was one, has nothing to do with the limitations in the ABM Treaty.

The Soviets have concocted a theory of radar coverage based on some radars that we have deployed, but radars that are deployed entirely consistent with the terms of the ABM Treaty. And so those complaints are of a quite different character than our concerns about the Krasnoyarsk radar which is deployed in violation of that treaty.

Senator DENTON. That does not appear to be evident to Senator Levin, who said that the Soviets said that the radar was looking over territory that was part of the continental United States, and therefore was analogous to Krasnoyarsk.

Mr. PERLE. That is not in itself a violation of the treaty. What is in violation of the treaty is the siting of ballistic missile early warning radars that did not exist at the time the treaty was signed except on the periphery and facing outward.

Senator DENTON. I have no personal doubt that the general content of your message to us today and the last time you were here is correct. I have no doubt that it is fully understood by enough Senators; and I have a great dismay because of that. That is all I have to say.

Oh, what about the Poseidons? In order to comply with SALT II, should we dismantle survivable and effective Poseidon ballistic missile submarines, particularly when the Soviet Union appears to be——

Mr. PERLE. I think there are two issues that surround that question. One, does it make sense for us to continue those Poseidons from a military point of view in the active inventory? And I think one can consider that separate and apart from the obligations under the SALT II Treaty.

Should we feel bound to comply with that provision of the SALT II Treaty that would require us to dismantle either Poseidon warheads or Minuteman warheads when the next Trident submarine, the U.S.S. *Alaska*, begins its sea trials?

I do not want to comment on the first point at this moment because that seems to me a technical military and budgetary judgment, and I have not frankly made up my mind yet, but I will comment on the second point, which is, should we feel obligated to act within the terms of the SALT II Treaty?

And here, I would only say that as the administration makes a decision on that issue, and it has not yet made a decision, it is essential to bear in mind that a decision to dismantle the ballistic missile launchers in order to comply with the SALT II Treaty would establish a de facto double standard.

That is, we would be dismantling weapons in order to abide by a treaty that the Soviets are now violating.

Senator **Denton**. Thank you.

Thank you, Mr. Chairman.

Senator **Warner**. Thank you.

Senator Nunn will be returning momentarily, and will be the wrap-up Senator for purposes of this hearing.

Now, the Senator from New Hampshire.

Senator **Humphrey**. Thank you, Mr. Chairman.

Mr. Secretary, you have detailed a number of Soviet violations of various treaties, including the ABM Treaty, and the SALT II Treaty, treaties dealing with the use of chemical and biological weapons, violations of the Helsinki Final Act, violations of the Threshold Test Ban Treaty, the 1963 Limited Test Ban Treaty, and so on, and have called for finding some means of holding the Soviets accountable for these violations, and certainly that is an important goal.

It seems to me one way in which we can express our displeasure, and there is a need to do that, because as you point out in your testimony, letting the Soviets get away with these violations simply encourages more of the same kind of behavior, it seems to me one way of expressing our displeasure and holding the Soviets accountable is in—one area is outside the military sphere, and that is the economic and the political sector.

For instance, on May 20, Secretary Baldrige is supposed to go to Moscow for a meeting of the joint U.S.-U.S.S.R. Commercial Commission. This will be the first meeting of that body since 1978, and the purpose is to seek ways to enlarge trade between the two nations.

Now, it strikes me as ironic that on the one hand we have an official of the administration coming before this committee detailing, providing us a report in great detail of Soviet violations, important violations of important treaties on the one hand.

On the other hand, we have got the State Department or in this case the Commerce Department sending a delegate to the Joint U.S.-U.S.S.R. Commission scheduled for May 20. Now, what kind of sense does that make, and what message does that send, and how is that supposed to lead to Soviet compliance with treaties, that kind of dichotomy between statements and actions?

Mr. **Perle**. Senator, I do not expect the Soviets to begin to comply with these agreements because we have sent the Secretary of Commerce to Moscow for trade talks. I think it does make a difference what he says when he gets there, and on this point I would very much hope two things.

One is that he will make very plain to the Soviet Union that we have no intention or desire to seek to expand trade that bears on Soviet military capability, that we are drawing a very clear distinction between nonstrategic trade and trade in consumer goods, and that the only trade we are prepared to see expand is trade in consumer goods.

Senator HUMPHREY. Do you not suppose the Soviet aim is to gain greater access to American technology?

Mr. PERLE. Yes, I think that is precisely what the Soviets are interested in.

Senator HUMPHREY. Then why are we going to Moscow with this kind of background? Why resume these meetings after a 5-year hiatus? Is there no linkage at all that this administration will not dissolve between Soviet behavior and our conduct on the other hand? What linkage is left, Mr. Secretary? Can you name any?

Mr. PERLE. My own view is that in dealing with the Soviet Union, it is wise to consider the totality of our relationship with them and not to attempt to separate issues. That, I think, is how the Soviets see the world. That is an approach they understand, and the notion that one can pursue a policy of detente in one area while relegating some other area to a different outlook and policy is not very effective in dealing with the Soviet Union.

Senator HUMPHREY. Well, I quite agree. I am not sure that you are agreeing with me on that point. It sounds like you are, that you cannot separate these elements, that you cannot accede to the Soviet desire for greater trade and greater access to United States technology on the one hand, and on the other hand complain about Soviet violations of important treaties.

Mr. PERLE. Well, Senator, it would, I think, be very helpful if when Secretary Baldrige goes to Moscow, and I was unaware that a firm decision had been made that he would go, but in any case it would be very helpful if when he did go he were to say that despite the Soviet interest in our relaxing the restrictions on strategic trade, that we will not do so, in which case his visit may convey a rather stronger message than might otherwise be the case.

Senator HUMPHREY. It is my understanding that he is going. The Commerce Department—incidentally, the announcement came, incredibly, on March 20 or 21, whichever is Afghanistan Day, proclaimed by the President as a day of solidarity with the freedom fighters of Afghanistan, the Commerce Department announces that we are trotting off to Moscow for the first meeting in 7 years of this Commission, and all of the up side is on the side of the Soviets.

They are going to gain access by one means or another to greater trade, and probably including technology. What do we get? I mean, where is the imperative? What do we need so badly from the Soviets with this kind of a background that we should go to this meeting for the first such meeting in 7 years.

Mr. PERLE. That is a question you ought to put to the Secretary of Commerce.

Senator HUMPHREY. It is a question I am putting to the administration. As a matter of fact, I have written a letter to that effect to the President, but you just happen to be a handy witness, Mr. Secretary. I am sure you understand that there is nothing personal in this, and I am trying to call attention to this.

If we want to hold the Soviets accountable, there are some ways of doing it that might not be entirely satisfactory, but something is better than nothing, and I see nothing being done by this administration concrete, beyond words, to hold the Soviets accountable for their behavior.

Is there one shred of linkage left? If there is, I would like you to cite what it is.

Mr. **Perle**. I think as a practical matter whatever the philosophical disposition of one administration or another on the question of linkage as an abstraction, there is real linkage in the minds of the American people, and I do not believe that it is possible to go very far in improving relations with the Soviet Union when the Soviets do things that strike the American people as I believe they were struck by the killing of Major Nicholson that seem utterly inconsistent with the effort to improve relationships.

So I have great confidence that whatever the theories on one side or another, the public well understands that you cannot have a cooperative relationship in the face of behavior like that, and I would certainly include the violation of the existing agreements in that category.

Senator **Humphrey**. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Senator **Warner**. Senator Nunn.

Senator **Nunn**. Thank you, Mr. Chairman.

Secretary Perle, we are pleased to have you here today. We appreciate you testimony. I just have two or three questions. One is, on the whole question of Soviet violations, my understanding is that the Soviets have made a countercharge against us about what they call new large phased array early warning radars we plan to build in Thule, Greenland, and Flynesdales Moors, Great Britain. They are saying that those radars violate the ABM Treaty prohibiting new deployments outside the national territory of either party. These are existing radars, are they not?

Mr. **Perle**. Yes, there are early warning radars at both those locations that are being upgraded by the phased array radar technology.

Senator **Nunn**. They are grandfathered by the treaty, are they not?

Mr. **Perle**. I think the treaty is silent on the issue of upgrading existing radars, and therefore there are no restrictions on the upgrading of existing radars.

Senator **Nunn**. Are the Soviets charging that we are violating the treaty itself, or are they charging that we are violating the spirit of the treaty?

Mr. **Perle**. I think they have suggested that we are in violation of the treaty. I believe this conforms to the Soviet pattern of charging us with violations in essentially the same areas where we have found them to be in violation.

Senator **Nunn**. Were those radars not ever mentioned in the previous negotiations—the ABM negotiation and so forth?

Mr. **Perle**. I do not believe they were mentioned, Senator Nunn. I think the Soviets know very well that those radars are not capable of defeating the object or purpose of the treaty, which is a limitation on radars for antiballistic missile defense purposes. They are very far forward early warning radars. They are being upgraded consistent with the treaty, which makes no reference to the upgrading of existing sites.

Senator NUNN. There is some indication from testimony that was given before the Foreign Relations Committee that these two radars were grandfathered at least by implication, but I cannot find anyone who seemed to have a definite view on the subject within the administration as to whether grandfathering meant with the existing radars or whether upgrading—substantial upgrading, which we are now doing—would also be covered.

Do you have any definitive record on that? Do we have a track record in the negotiations?

Mr. PERLE. We have examined that issue very carefully, and have concluded that nothing in the treaty would prohibit the upgrading of existing radar site of that nature.

Senator NUNN. So we are confident that we are on sound ground?

Mr. PERLE. Yes, we are confident we are on sound grounds. The Carter administration made this judgment initially in 1978, and that has been the view of every department of the Government that has examined this issue from 1978 to the present. We have no concern that the Soviet charge is anything other than frivolous and politically motivated.

They know very well that those radars make no contribution whatsoever to ballistic missile defense, and the remaining elements of the ballistic missile defense system do not exist in any case in this country, so I think they have, as I say, followed the pattern of attemping to obscure their own violations by suggesting violations on our part in roughly the same areas.

Senator NUNN. Thank you.

On another question, in the fiscal 1986 posture report the Joint Chiefs warned that the Soviets had the capability to expand their force level significantly above current trends, and if they do, the United States inferiority, in key measures of strategic power will worsen even if we complete the President's entire stategic modernization program.

Do you agree with this?

Mr. PERLE. I think the operative phrase, Senator Nunn, if I was listening carefully enough, is, they have the capability too.

Senator NUNN. That is right. They have the capability to expand their force levels significantly.

Mr. PERLE. I think it depends very much on what assumptions one wants to make about what would constitute reasonable behavior on the part of the Soviet Union. Obviously, if they devote resources not presently programmed to programs not presently under way or if they greatly expand programs beyond their current plans, they, like we, are spending—in their case it is roughly double, say, 13 to 15 precent of their GNP on defense.

They could surely increase that. It would come at a very great cost, but of course there are levels to which the Soviets could permit their forces to grow if they chose to do so. We see no reason to expect that. It makes no sense. It would be a foolish investment of Soviet resources.

Senator NUNN. Now, when you say "we", does that mean that you and the Joint Chiefs both agree on that, or is that your view, or is that the Joint Chiefs, or is that DOD, or is that personal? Whose view is that?

Mr. PERLE. I think if you ask the Chiefs whether it is likely that the Soviets would expand their forces mindlessly without some military rationale, they would be inclined to share my view that the Soviets do not do that, that they develop plans and they stick to them.

Senator NUNN. Well, do you have the same view as the Chiefs have on whether we should extend SALT II in terms of both parties complying under the present arrangement? Do you have the same view that the Chiefs have on that, or do you have a differing view?

Mr. PERLE. I do not know what their view is.

Senator NUNN. You never have asked them?

Mr. PERLE. No. As a matter of fact I have not yet.

Senator NUNN. Has the Secretary of Defense asked them?

Mr. PERLE. I do not know that he has either. We are presently preparing papers on this subject, and I have in fact requested appointments with the Chiefs to talk to them.

Senator NUNN. You are going to be discussing that—all of that will be thrashed out in these deliberations?

Mr. PERLE. Yes, it is, and I earlier expressed my own view, which is that because the SALT II Treaty is in many respects permissive, and in other respects it is being violated. The Soviet program for the next few years is accommodated by the SALT II Treaty through the two devices of permissiveness and violation, and therefore the likely Soviet force in the absence of those treaty constraints after the end of this year is unlikely to be greater, and certainly unlikely to be greater in a manner that we need be concerned about, than their likely forces under the terms of the SALT II Treaty as they interpret it.

Senator NUNN. So your personal view is, that whether we continue to abide by SALT II and whether they do or do not is irrelevant, or virtually irrelevant to our assessment of what kind of force levels they may have in future years?

Mr. PERLE. It depends on how many years forward one projects it, but if one assumes that the treaty, which expires December 31 of this year, is permitted to expire, then I think in 1986, 1987, 1988, 1989, 1990, in that period there is no militarily significant difference between Soviet forces with or without the SALT II constraints, especially as they are being violated.

Senator NUNN. Beyond that, do you believe there is a significant difference, and are you talking about building or deployment—because if, for instance, SALT II expired, and if the Soviets started a rapid building program, I do not know what that time frame is, but if they are as slow as we are, it would probably be after the time frame you named before they would ever deploy them, anyway. So what are you talking about? Are you talking about building or deploying?

Mr. PERLE. Well, I believe that much of what the Soviets are likely to deploy in the next few years can be deployed under the terms of the SALT II Treaty as they interpret and as they are now behaving pursuant to that treaty.

Senator NUNN. So you are really making reference to deployment rather than construction.

Mr. PERLE. That is right. They could be constructing weapons now that we do not know about. I think estimates would show that under the terms of the SALT II Treaty the Soviets could have up to 18,000 warheads, and it is inconceivable to me that they would have any military requirement for warheads on that scale.

In fact, Senator, I believe that long ago the point was passed at which the Soviets had all the warheads they need for the purposes for which they are building those warheads, and the proliferation of warheads on ballistic missiles, which is the usual specter that attends the termination of arms control limits, would be meaningless and a very foolish Soviet investment.

I would rather they go on building, and this is a personal view, ballistic missile warheads which are vastly surplus to their requirements than that they go on building tanks and helicopters and advanced fighter aircraft and other weapons that I think pose a much more immediate threat to our security and that of our allies.

Senator NUNN. Thank you.

Let me ask one other question. I see we have a vote up there on the board. The Washington Times on May 2 carried an article, and it quotes a speech you made. I do not know when the speech was made. I am not sure if the quote is accurate, but I just want to check and try to get exactly what you are referring to here.

In the article it says in quote marks, quoting you:

> Of the 23 or 24 Members of Congress who intended at that point to travel to Geneva, not a single one was available to be briefed. They had time to travel. They had time to observe. But they did not have time to sit down and be briefed on the forces that were going to be under discussion.

Is that an accurate quote?

Mr. PERLE. No, that is not an accurate quote. What I made reference to, Senator, was a proposal that a highly sensitive briefing on Soviet forces and U.S. forces be given here rather than in Geneva because of the limitations on the facility available in Geneva for those purposes.

Senator NUNN. So it was not the Geneva briefing you were referring to? It was a meeting here in Washington?

Mr. PERLE. It was a meeting here in Washington.

Senator NUNN. Who offered that briefing, and who was the offer made to? And when was that briefing offered?

Mr. PERLE. It was prior to the departure for Geneva some days prior to that, and my understanding is that in an effort to solve the physical space problem that we knew would exist in Geneva, a briefing was offered principally to the House delegation that was then planning to depart, and no one was available to receive that briefing in Washington.

Senator NUNN. Well, this does not say the House delegation. Could you tell me in what respects this quote is inaccurate, because that is the key to it. I do not want to get into questioning on something that is inaccurate, but where is the article inaccurate?

Mr. PERLE. As you read it, it does not—I think it does not clearly indicate that the briefing that was referred to was a briefing offered in Washington. There was a willingness to be briefed in Geneva.

Senator NUNN. It does not make clear—it says 23 or 24 Members of Congress. Now, did you mean to exclude the Senate out of that, or were you including the Senate?

Mr. PERLE. I did not mean to exclude the Senate. My impression was based on the report that I heard in a meeting where this was discussed was that the offer had been made, and for all I know it was made to the organizers.

Senator NUNN. By whom?

Mr. PERLE. By the NSC.

Senator NUNN. By the National Security Council?

Mr. PERLE. I believe. I do not know who actually made the phone call, but it was an NSC decision to offer the briefing in Washington, and it was so widely neglected that it never took place.

Senator NUNN. And what was the briefing about supposedly?

Mr. PERLE. It would have been the briefing that I believe was subsequently given in Geneva. I believe it was subsequently given in Geneva.

Senator NUNN. Is it fair to say that 23 or 24 Members of Congress—I assume that includes the Senate—you said it does—not a single one was available to be briefed? They had time to travel, they had time to observe, and they did not have time to sit down and be briefed on the forces that were going to be under discussion?

Is that accurate?

Mr. PERLE. No; that is inaccurate, because I believe the briefings did take place in Geneva.

Senator NUNN. Is the quote inaccurate or is the quote accurate and what you said inaccurate?

Mr. PERLE. Well, this was not part of any prepared remark. It was in response to a question.

Senator NUNN. Have you been misquoted or not?

Mr. PERLE. I think it does not accurately convey—that quote gives the impression that there was no willingness to be briefed either here or elsewhere. What I believe I said at the time was that we proposed a briefing in Washington, and it was turned down by everyone to whom it was offered.

Senator NUNN. Is it fair then to see a Washington Times editorial based on that inaccurate assessment or inaccurate quote, whichever the case may be, that says:

> Before the Congressional delegation to Geneva departed last March, the White House held a briefing for its members. Agreement with the Administration on all defense issues was not a requirement for attendance. Even so, not one Senator or Representative showed up. They might have learned something about Krasnoyarsk.

Would you agree with that editorial?

Mr. PERLE. No; I would not agree with that editorial.

Senator NUNN. The reason I ask is, I think we might have been the most overbriefed delegation that ever went on a foreign mission. We had a briefing on February 4—the Senate delegation, not the House. I am not making reference to the House.

We were briefed by Scowcroft, Slocombe, and Rostow on February 4. We were briefed by Nitze on February 4. We were briefed by Moorer, Woolsey, and Kupperman on February 5. We were briefed by Brzezinski, Schlesinger, Blechman, and Williamson on February 7.

We were briefed by General Ellis and Doug George on Soviet compliance, as a matter of fact, on February 19. We were briefed by the American Association of Scientists on February 21, Eagleburger and Warnke on February 26, and on February 28 we met with Ambassador Dobrynin, and as a matter of fact had a very long discussion about that radar, and that was the major focus of the meeting.

On March 7 we were briefed by Shultz, Nitze, Rowny, and Adelman. On March 11, we were briefed in Geneva by the U.S. negotiators. In the meantime, the Armed Services Committee had hearings on various subjects, including compliance issues, on February 19, February 20, February 21, February 25, and February 26.

I was at all those briefings. The other delegates were also invited. Some of them were and some were not. So I am glad that basically you clarified that record and indicated that that was not an accurate assessment.

I am not sure yet whether it was an accurate quote, but at least if it was you believe it was out of context.

Mr. PERLE. Well, I think, as I say, it was accurate in the sense that the only point I made was that the briefing was offered here and it was turned down.

Senator NUNN. That was not a very relevant point to be made if it was in fact given in Geneva, was it? I mean, what was the point of making that if the briefing actually took place at another location?

Mr. PERLE. My own view is that the involvement of Congress in these negotiations is potentially a very useful thing, and it is made more useful where the Members of Congress take the time to study the issues, as I know you have and others have.

Senator NUNN. I know Senator Stevens has, too. He spent an enormous amount of time, and Senator Warner has spent an enormous amount of time. Senator Gore has spent an enormous amount of time. Senator Wallop has spent an enormous amount of time. I have never seen so much time spent on one subject.

Mr. PERLE. I think the interest of the Senate differs in this regard from the interest of the other body, and that may be because the responsibility for ratifying the treaties lies here.

Senator NUNN. Well, I am not here to defend the other body this morning. I will let them defend themselves. But I would hope that either you or the reporter or the editorialist or all three of the above might distinguish between the two bodies where it is appropriate.

But even in defense of the House, it seems to me that if they were briefed on the same subject in Geneva, that it was totally irrelevant to say that they were not briefed here unless it was strictly a procedural point.

Well, I do not want to pursue the subject. It is not a big item. But I hope we can work together, and I know that that is also your view.

Mr. PERLE. Senator, I wish that everyone dealing with this issue were as well informed about it as you are. I think we would see some votes come out differently. I think we would find it a lot easier to develop a compliance policy broadly shared between the Executive and the Congress.

Senator **Nunn**. There would be more worried people in Washington, I am sure.

Senator **Warner**. I certainly want to join Senator Nunn. I participated in all of those briefings with Senator Nunn and others in Geneva. You forgot the 2½-inch briefing book which we all read on the plane going over.

Homework was done and done thoroughly by the Senate delegation in preparation for their first visit, and subsequent thereto we as a group have been meeting every Monday afternoon from 4 to 6 to converse among ourselves and to receive testimony of other witnesses yesterday afternoon.

We had Ambassador Kampelman and the other two Ambassadors with us as a matter of fact.

Mr. Perle, we thank you for a very enlightening session. You never fail to live up to your reputation for frankness and candor. Today was an exemplary example. Thank you very much.

Mr. **Perle**. Thank you, Mr. Chairman.

[Questions with answers supplied follow:]

Questions Submitted by Senator John Warner

Senator **Warner**. The administration's February report indicates that these compliance concerns have been raised with the Soviets at the Standing Consultative Commission, and yet no corrective actions have been taken by the Soviets to date. Has the Standing Consultative Commission been an effective vehicle for resolving U.S. compliance concerns?

Mr. **Perle**. In my opinion, the Standing Consultative Commission has not been a very useful forum for resolving our concerns about Soviet noncompliance with its arms control obligations and commitments. [Deleted.] We will continue to press our compliance concerns through confidential diplomatic channels, including the SCC, and to insist upon explanation, clarifications, and corrective actions.

Senator **Warner**. It has been 16 months since the Reagan administration first reported to Congress that the Soviet Union was guilty of violating important arms agreements. Since that time, what policy and programmatic prescriptions have been formulated that seek to redress these violations?

Mr. **Perle**. On June 10, 1985, the President directed the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions which the United States could take to accelerate or augment as necessary for the U.S. strategic modernization program in proportionate response to, and as a hedge against the military consequences of, Soviet violations of existing arms agreements which the Soviets fail to correct. The results of this review will be provided for the President's consideration by November 15, 1985.

Senator **Warner**. Is it the Administration's intention to use the defense and space negotiations as a forum in which to address Soviet ABM Treaty violations, and to seek to restore the integrity of that treaty? Will you insist that the Soviets dismantle the Krasnoyarsk radar?

Mr. **Perle**. Soviet treaty violations have and will continue to be addressed in several fora, including diplomatic exchanges. Since treaty violations undermine the confidence that is essential to an effective arms control process in the future, we believe that treaty noncompliance is an appropriate topic for discussion in the Defense and Space negotiations. Since the Krasnoyarsk radar is in violation of the ABM Treaty, the United States has asked the Soviets to dismantle the radar. We will continue to press this and other compliance issues with the Soviet Union through all appropriate diplomatic channels.

Senator **Warner**. What priority does the administration attach to the resolution of Soviet noncompliance issues at the negotiations in Geneva?

Mr. **Perle**. Soviet non-compliance is a serious matter. The administration believes that resolution of these issues is important. One of our key objectives in the new negotiations which began in March is to reverse the erosion of the ABM Treaty in addition to seeking equitable, effectively verifiable arms control agreements which will result in real reductions and enhanced stability.

Senator WARNER. Will we be able to verify a START agreement if the Soviets do not halt their practice of almost totally encrypting their missile test telemetry?

Mr. PERLE. The nature and extent of Soviet telemetry encryption practices on new ballistic missiles is an example of the Soviets deliberately impeding verification of compliance in violation of their political commitment to abide by SALT II. If these encrypting practices continue, verification of certain provisions of a START agreement would be very difficult. This is one of the reasons why Soviet noncompliance undermines the confidence essential to an effective arms control process and why it is fundamentally important that the Soviet Union take a constructive attitude toward full compliance with all arms control obligations and commitments.

QUESTIONS SUBMITTED BY SENATOR DAN QUAYLE

Senator QUAYLE. In your unclassified testimony of February 20, 1985, before the committee you said that the Standing Consultative Commission established by the SALT I agreement has been "largely unsuccessful" over the years in resolving "serious compliance concerns."

First, what success have we since 1981 in resolving outstanding noncompliance issues? Second, what role should the SCC have if any in future resolution of these issues?

Mr. PERLE. In my opinion, the Standing Consultative Commission (SCC) has not generally been successful in resolving any outstanding noncompliance issue since 1981. The US and USSR this spring signed a COMMON UNDERSTANDING on Concurrent Operations of ABM System Components and Air Defense Components. [Deleted.] The SCC is the forum for the discussion of issues involved in implementing the strategic arms control agreements negotiated between the United States and the Soviet Union. [Deleted.]

Senator QUAYLE. According to the President's most recent report on Soviet arms control noncompliance, SALT I prohibitions against reuse of decommissioned missile sites possibly were being violated by SS-25 activities near former SS-7 missile sites.

Has the Soviet Union deployed this missile in violation of SALT I limits?

Mr. PERLE. As the President stated in the 1985 Compliance Report to the Congress, ongoing Soviet activities at former SS-7 bases raise concern about compliance with the SALT I Interim Agreement which prohibits the use of facilities remaining at dismantled or destroyed ICBM sites for storage, support or launch of ICMBs. [Deleted.]

Senator QUAYLE. Opponents of arms control frequently emphasized the need to reach agreements that can be totally verifiable. Arms control supporters counter by noting that no agreement is totally verifiable. Can we tolerate some types of arms control violations? If so, of what sort? Please use examples to illustrate.

Mr. PERLE. Although the military implications of arms control treaty violations can vary considerably, any violation has significant implications because it undermines the arms control process and reduces confidence in the Soviet Union as a negotiating partner. If a violation by the Soviet Union were not challenged by the United States on the grounds it was "tolerable," we would expect to see the number of seriousness of Soviet violations to increase.

Senator QUAYLE. Will the Department of Defense be able to meet the Senate Armed Services Committee's recent request for a report on the military implications of Soviet treaty violations and possible policy and programmatic responses by July 15, 1985?

Mr. PERLE. On June 10 the President announced his decision to continue to refrain from undercutting existing strategic arms agreements to the extent that the Soviet Union exercises comparable restraint and provided that the Soviet Union actively pursues arms reduction agreements in the currently ongoing Nuclear and Space Talks in Geneva. As an integral part of this decision, the President ordered the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions which the United States could take to accelerate or augment as necessary the U.S. strategic modernization program in proportionate response to, and as a hedge against the military consequenses of, Soviet violations of exsting arms agreements which the Soviets fail to correct. This report is due to the President on November 15, 1985. This study by the Department of Defense will cover many of the aspects of the report requested by the committee.

Senator QUAYLE. The Congressional Research Service reported last fall that by the early 1990's SALT II limits and Soviet deployment of SS-24's and SS-25's would force the Soviets to dismantle over 400 SS-11's and SS-13's. Isn't this an argument for continuing SALT II limits beyond 1985?

Mr. PERLE. If the Soviets were to continue observing the ballistic missile launcher levels of SALT II, they would be required to dismantle as many ICBMs as they deploy new SS-X-24s and SS-X-25s. The SS-X-24 is a MIRV-capable system that may carry up to ten RVs, as opposed to the four and six RVs on the SS-17 and SS-19 which it might replace. The SS-X-25 is a single RV system with significant improvements in reliability and accuracy over the SS-11 and SS-13, which it will replace. Both the SS-X-24 and the SS-X-25 are solid propellant systems and could be deployed in mobile versions. Both systems significantly improve the capability of the Soviet ICBM force.

SALT II does not directly limit the number of warheads that a side can deploy, instead it sets limits on the aggregate number of launchers allowed each side and places sublimits on certain subcategories such as launchers for MIRVed ICBMs. While remaining within these sublimits, the deployment of highly fractionated systems such as the SS-X-24, allows the Soviets to increase substantially the number of warheads in their ballistic missile force as they retire older missile systems. Thus, the continuation of SALT II, while requiring the Soviets to retire older, less effective systems, also allows them to increase significantly the size and capability of their ICBM warhead inventory.

Senator QUAYLE. In a recent report to Congress on the Strategic Defense Initiative, the Department of Defense it was argued that if "ballistic missile force levels with multiple independently targeted reentry vehicles were no longer constrained by arms control agreements—read here SALT II—the number of Soviet ballistic missile warheads could increase to at least twice their current levels with only a modest increase in the number of ballistic missile boosters."

Is this the last word on the subject?

Do CIA experts on Soviet missile development agree to this doubling threat thesis?

What is your own view?

Mr. PERLE. In their unclassified June 26, 1985 testimony before a joint session of the Subcommittee on Strategic and Theater Nuclear Forces of the Senate Arms Services Committee, and the Defense Subcommittee of the Senate Committee on Appropriations, Mr. Robert Gates (Deputy Director for Intelligence, CIA) and Mr. Lawrence Gershwin (NIO for Stragetic Programs) made the following points about Soviet intercontinental attack forces;

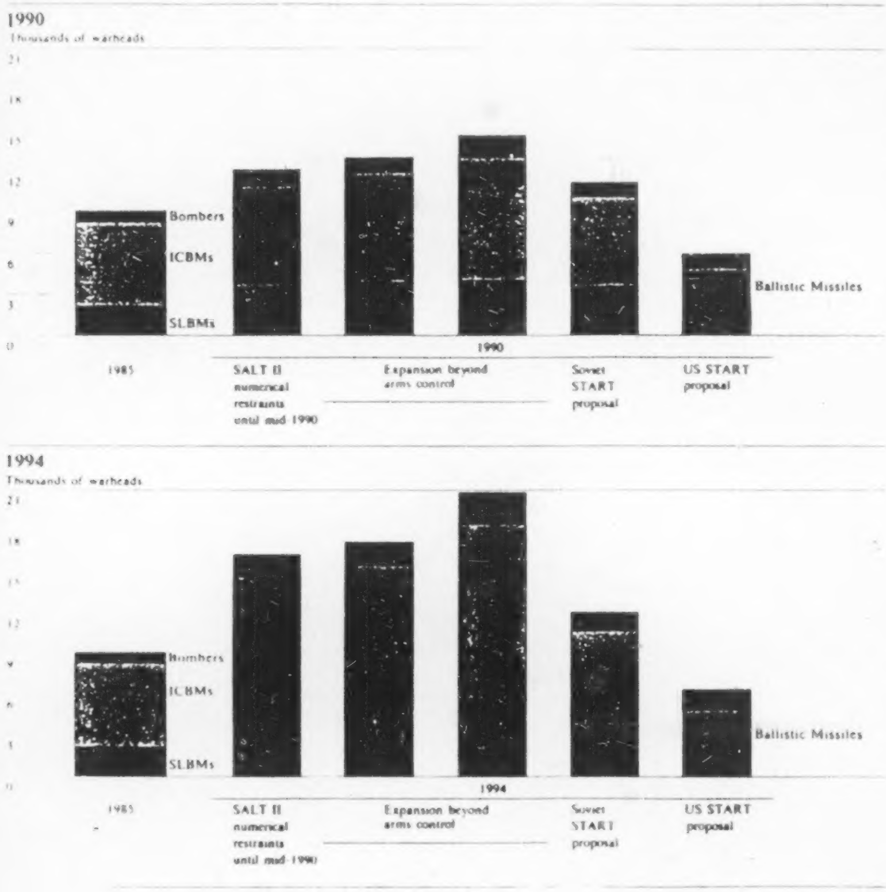
—Soviet intercontinental attack forces currently consist of over 9,000 warheads on some 2,500 deployed ballistic missile launchers and heavy bombers. Most warheads are in the ICBM force.

—By 1990, if the Soviets continue to have about 2,500 missile launchers and heavy bombers and if they are within the quantitative sublimits of SALT II, the deployed warheads will grow to over 12,000.

—While the Soviets would not necessarily expand their intercontinental attack forces beyond some 12,000 to 13,000 warheads in the absence of arms control constraints. they clearly have the capability for significant further expansion, to between 16,000 and 21,000 deployed warheads by mid-1990s. The lower figure represents a continuation of recent trends in deployment rates; the upper figure is not a maximum effort but would require a substantially greater commitment of resources.

I have no quarrel with these estimates. With regard to the impact of SALT II numerical limits, additional information is given in figure 5, of the written statement from the testimony cited above. I would draw your attention to the fact that SALT limits would have little impact on Soviet strategic force growth. Indeed, even if the Soviets comply with the numerical limits until mid-1990, the USSR could have over 16,000 warheads, with nearly 15,000 on ballistic missiles. This would represent almost a doubling of current Soviet testimony.

Figure 5
Growth in Number of Deployed Warheads on Soviet Strategic Intercontinental Attack Forces



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QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

Senator **THURMOND**. Mr. Perle, about 25 years ago Dr. Fred Ikle wrote a rather prophetic article about arms control violations, and in it he advocated "restorative measures" to correct imbalances created by treaty violations. Do you favor restorative measures?

Mr. **PERLE**. Yes. On June 10th President Reagan indicated that despite Soviet violations of arms limitation agreements, the United States would continue to refrain from undercutting existing strategic arms agreements to the extent that the Soviet Union exercises comparable restraint and provided that the Soviet Union actively pursues arms reductions agreements in the currently ongoing Nuclear and Space Talks in Geneva. As an integral part of this policy, the President stated that the United States must also take those steps required to assure the national security of the United States and our allies made necessary by Soviet noncompliance. In addition, appropriate and proportionate responses to Soviet noncompliance are also called for to make it perfectly clear to Moscow that violations of arms control arrangements entail real costs. Therefore, the President indicated the United States will develop appropriate and proportionate responses and it will take those actions necessary in response to, and as a hedge against the military consequences of uncorrected Soviet violations of existing arms control agreements and commitments.

Senator **THURMOND**. Would you describe for us what restorative measures we could take to correct the imbalances being created by Soviet treaty violations?

Mr. **PERLE**. Of course, the decision as to which specific measures to take will have to be a decision discussed within the administration and any measures would have to be supported by the Congress in order for them to be most effective. The measures should be designed as proportionate responses to specific instances of uncorrected Soviet noncompliance, hedging against the military consequences of such Soviet noncompliance. They need not necessarily be equivalent types of actions. Rather, options should attempt to deny the Soviets the potential benefits of their noncompliance, and, to the extent possible, provide incentives to the Soviets to correct their noncompliant activity. In all cases, the primary focus must and will remain upon options that underwrite deterrence, enhance stability, and can be directly tied to the specific requirements of our national security. In this regard, the U.S. goal is not, per se, to build additional forces, but to use these options to ensure our security in the face of uncorrected Soviet noncompliance and to provide incentives to the Soviets to correct their noncompliance and join us in establishing a meaningful interim framework of mutual restraint.

Senator **THURMOND**. Mr. Perle, when do treaty violations cease being topics for political and diplomatic discourse and become actual military threats?

Mr. **PERLE**. There is no question that a number of Soviet arms control violations are militarily significant. The Soviets have, for example, a monopoly on biological weapons. Advanced biological weapons utilizing genetic engineering could result in weapons of a type that do not currently exist and against which we would have no defenses. In the strategic arena, Soviet violation of the SALT II qualitative restrictions will assure that Soviet capabilities in the area of time-urgent hard target kill will grow in a way that is contrary to treaty provisions. Perhaps the most important Soviet violation of SALT comes in the ABM Treaty area—the Krasnoyarsk radar. The President's decisions of June 10th are indicative of the President's detemination to respond appropriately and proportionately to Soviet noncompliance and the threat this poses to the U.S. and our allies.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

Senator **LEVIN**. In your February 20, 1985 prepared testimony to the Senate Armed Services Committee, you stated that "We must now create penalties for violations that deny the benefits of the violations to the USSR. By penalties I mean US responses which deny the Soviets the benefit of the advantage they gain from a violation."

Are you recommending that the United States should actively violate our treaties with the U.S.S.R.? What specific actions are you recommending?

Mr. **PERLE**. I view the enlarging pattern of Soviet violations of arms control agreements and commitments with great seriousness. The administration thinks it is evident that the benefits of arms control cannot be achieved unless there is strict adherence by all parties to the terms of the agreements involved. The United States would not violate a treaty with the U.S.S.R. in order to deny them the benefit of their treaty violations. However, international law recognizes that if a party to an agreement violates it, the injured party may terminate or suspend the agreement in whole or in part.

As part of the President's June 10, 1985 decision on interim restraint, he directed the Department of Defense to identify specific actions which the United States could take as proportionate responses to Soviet violations which remain uncorrected. The results of this review will be given to the President by November 15, 1985.

Senator Levin. Do you recognize the importance of the Anti-Ballistic Missile (ABM) Treaty of 1972?

Overall, do you feel that the ABM Treaty has been positive or negative for the United States?

Mr. Perle. The ABM treaty was intended to constrain the parties from deploying a territorial defense or laying the base for such a defense. Taking the numerous Soviet ABM-related activities into consideration, including one clear violation of the ABM Treaty itself, however, the President has stated, "The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the Soviet Union may be preparing an ABM defense of its national territory." During the same period that the Soviet Union has been taking these actions, the United States has continued to abide by the terms of the ABM Treaty. As I stated in my Congressional testimony, a treaty that is being adhered to by the United States, but not by the USSR is hardly serving our fundamental purposes.

I should further note that the ABM Treaty and the SALT I Interim Agreement were entered with the understanding that both sides would agree to substantial reductions in nuclear weapons. While the United States exercised restraint, the USSR engaged in a massive build-up, adding some 8,000 strategic and medium range missile warheads (or about a 500-percent increase) since we began negotiating those agreements in 1969. This growth of Soviet offensive forces as well as its non-compliance with the ABM Treaty have resulted in significant erosion of the Treaty.

Senator Levin. Do you agree that the Soviets have not exceeded the 1320, 1200, or 820 subceilings established by the SALT II Treaty or the number of warheads per missile?

Mr. Perle. We do not have evidence to support a finding that the Soviet Union has violated these subceilings.

Senator Levin. Is there a difference of opinion among Pentagon experts concerning the military significance of the Krasnoyarsk Radar?

Mr. Perle. The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements, dated February 1, 1985, states that the U.S. Government judges, on the basis of evidence which continued to be available through 1984, that the Krasnoyarsk radar in its siting, orientation, and capability is a violation of the ABM Treaty. The report further states, "The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national territory." These statements represent the agreed opinion of all appropriate agencies, including those in the Pentagon.

Senator Levin. Based on your understanding of Secretary Shultz's views do your views differ from his on both the ABM Treaty and the Krasnoyarsk Radar violation? If so, what are those differences?

Mr. Perle. The U.S. Government position, to which both of us subscribe, is clear. We will not violate the ABM Treaty. At the same time, the Treaty even at its inception was seen to be a living treaty with the possibility that circumstances might eventually come about that would make it in the interests of both parties to modify it in some way. For this reason, clauses were placed in the Treaty allowing both the review and the modification of the Treaty. With regard to the Krasnoyarsk radar, both Secretary Schultz and I support the finding of the U.S. Government that the Soviet Union has violated the ABM Treaty through the siting, orientation and capability of that radar.

Senator Levin. Should we continue to seek arms control agreements in the absence of satisfactory resolution of our allegations of the existing violations?

Mr. Perle. This administration is dedicated to achieving an arms control agreement that will significantly reduce strategic nuclear forces, be verifiable and be equitable. We are working very hard toward that end right now in the Nuclear and Space Talks in Geneva. However, as I have stated earlier in my testimony, it's inconceivable to me that we would sign new treaties that did not entail complete compliance with the treaties that preceded them to the degree to which they covered the same subject matter.

Senator Levin. Approximately what percentage of the continental United States is covered by the four Pave Paws early warning radars?

Approximately what percentage of the U.S. population lives within that area?

Mr. PERLE. The continental U.S. territory that will be covered by the four Pave Paws early warning radars varies significantly depending on altitudes on interest above the earth's surface. Coverages are possible up to about 35 percent at typical ballistic missile or spacecraft altitudes. Since these radars are located near the U.S. coasts and oriented outward, they do not cover the several major inland population centers. They do, however, cover all coastal land areas where the majority of U.S. population is concentrated.

Senator LEVIN. Have the SALT II limits constrained the growth of the Soviet forces? If so, in what way?

Mr. PERLE. As the President stated in May 1984: "We had two treaties—the SALT treaties—the SALT Treaty I, SALT Treaty II. And the SALT Treaty II was not ratified by the Senate, I'm pleased to say. Under those two treaties—the Soviet Union under SALT I, from that time on, added 7,950 nuclear warheads to its arsenal, and 3,850 of those were added after everyone signed SALT II."

Senator LEVIN. Has the ABM Treaty constrained the growth of Soviet forces? If so, in what way?

Mr. PERLE. The ABM Treaty was designed to constrain ABM systems. The Soviet Union continues to maintain and upgrade the ABM system it is allowed under the Treaty. The President has reported to Congress that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national territory, which is prohibited by the Treaty. The ABM Treaty was linked to the SALT I Interim Agreement that was intended to limit offensive strategic arms. Since 1972 the Soviet Union has modernized its strategic nulcear forces. In 1972 when the ABM Treaty was signed, the Soviet Union had approximately 2,040 strategic ballistic missile warheads. By 1985, the Soviet total had risen to about 9,000.

Senator LEVIN. Have you made any recommendations relative to continuing our policy of not undercutting SALT II? If so, when and to whom?

Mr. PERLE. All appropriate agencies and personnel have an input into the decision-making process concerning the continuation of the no undercut policy. I have participated and continue to participate in that decision process, both with my colleagues from other agencies and with those in the Department of Defense.

Senator LEVIN. Please list all U.S. Government (DOD, State Dept., CIA, ACDA, etc) analyses that exist relative to the military significance of the Krasnoyarsk radar. Include the date, authors, and approximate length of each analysis.

Mr. PERLE. DCI: [Deleted.]

Senator LEVIN. Do you agree that we should use extreme caution in proceeding in any engineering development that would violate the ABM Treaty?

Mr. PERLE. We have in the past and will continue in the future to use caution with regard to any actions concerning the ABM Treaty. The United States has continued to comply with its international objections and commitments, despite Soviet noncompliance. We have an elaborate mechanism in place, a large number of government lawyers in virtually every agency of the government even remotely associated with these matters who pour over our plans and programs and must obtain specific approval to proceed in any area that might conceivably touch the agreements that exist between us.

Senator LEVIN. If research proves that SDI technology is feasible and costs less than it will cost the Soviets to develop and deploy counter measures, should we take the position now that we will deploy SDI in the absence of an agreement with the Soviets, realizing that deployment will require modifications to the ABM Treaty?

Mr. PERLE. The on-going SDI research is fully consistent with the ABM Treaty. The ABM Treaty is not cast in stone. When we and the Soviets were crafting the agreement, we envisaged a living accord, that is, one that would make allowance for and adapt to future circumstances. This was particularly so given that the Treaty was to be of unlimited duration. Provisions were developed and incorporated into the Treaty that allow for its modification. This was, in part, due to the fact that the sides, even in 1972, foresaw the possibility of new defensive technologies in the future. Thus, the Treaty allows for research programs such as SDI and for possible amendment if either side's research should lead to defense that could usefully be incorporated into the strategic balance.

If and when our research criteria are met, and following close consultation with our allies, we intend to consult and negotiate, as appropriate, with the Soviets pursuant to the terms of the ABM Treaty, which provide for such consultations, on how deterrence could be enhanced through a greater reliance by both sides on new defensive systems. This commitment should in no way be interpreted as according the Soviets a veto over possible future defensive deployments.

Senator LEVIN. What did the intelligence community tell the interagency panel considering possible Soviet arms control violations about the following: whether the radar in Siberia is an ABM radar vice early warning, and how it fits into the rest of the Soviet radar/defenses systems and what kind of overall ABM capability it gives the Soviets now, and if not now, within how long a period, if they decided to break out of the treaty? Are Soviet SAM developments and other actions needed for an ABM system (C^3 for example) progressing well enough to support a claim this could be an ABM radar?

Mr. PERLE. Both the U.S. and the USSR, in signing the ABM Treaty, recognized the need for ballistic missile early warning radars. At the same time, they recognized that ballistic missile warning radars can detect and track warheads at great distances and therefore have a significant anti-ballistic missile potential. Such an ABM capability would play an important role in a nationwide ABM defense, which the Treaty was designed to prevent. As a result, the U.S. and the Soviet Union agreed that future ballistic missile early warning radars must be located on a nation's periphery and oriented outward. In that way, the desirable and legitimate goal of early warning could be advanced while minimizing the danger that an effective nationwide battle management network could result.

The Intelligence Community report was sufficient for the U.S. Government to judge on the basis of evidence which continued to be available through 1984, that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction, and the absence of credible alternative explanations, have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken.

With regard to the relationship between this violation and other Soviet ABM-related actions the U.S. Government judges that Soviet actions in aggregate suggest that the USSR may be preparing an ABM defense of its national territory, an action prohibited by the ABM Treaty.

Senator LEVIN. In the January, 1984 Compliance Report, the President said the following about whether the SS-X-25 is a second new ICBM and thus prohibited by SALT II: "While the evidence is somewhat ambiguous, the SS-X-25 is a probable violation of the Soviets' political commitment to observe the SALT II provision limiting each party to one new type of ICBM." [emphasis added]

The Feb 1, 1985 Compliance Report states: "The US Government judges that the SS-X-25 is a prohibited second "new" type of ICBM and that its testing, in addition to the SS-X-24 ICBM, thereby is *a violation* . . . ." [emphasis added]

What new information has come to light to permit this more definite conclusion in the ensuing year between the two Compliance Reports?

When did that new information come to light?

Mr. PERLE. [Deleted.] In January 1984 the President was cautious in referring to the question of whether the SS-X-25 was in compliance with SALT II. [Deleted.]

Senator LEVIN. How does the encryption of telementry hinder us from determining the characteristics of the SS-X-25 missile, especially those regulated by SALT II (launch weight, throw-weight, length, diameter, RV-to-throw-weight ratio)?

Mr. PERLE. Telemetry is used in combination with multiplicity of other technical and non-technical intelligence sources to produce assessments of missile systems. [Deleted.]

Senator LEVIN. If the Soviets are encrypting SS-X-25 telemetry, how can we conclude they are violating the SALT II prohibition that they cannot test an existing ICBM with a single RV whose weight is less than 50% of the throw weight of the ICBM?

Mr. PERLE. [Deleted.]

Senator LEVIN. Both the first and second Compliance Reports cite this is another violation of SALT II, but the first report (Janauary, 1984) says that this conclusion is "based on the one test for which data are available."

Does the Intelligence Community usually reach a conclusion about arms control violation of SALT II, but the first report (January, 1984) says that this conclusion this conclusion based on only one test—low, moderate, high?

How many tests usually are required before the Intelligence Community is willing to conclude that a violation has occurred? In this case, how many would the Community need?

Mr. PERLE. The Intelligence Community does not "make conclusions about arms control violations," it monitors and reports on Soviet activities. However, other agencies within the executive branch consult closely with the Intelligence Community in reaching decisions on treaty compliance.

SALT II specifies that all missile flight tests must meet certain criteria. Therefore, a single flight that does not comply with the treaty limitations constitutes a violations. [Deleted.]

In the case of the SS-X-25, the Soviets could have taken actions to alleviate our concerns, but that has not happened. [Deleted.]

[Whereupon, at 11:30 a.m., the committee was adjourned, to reconvene upon the call of the Chair.]

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